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TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1946

No. 38

NATIONAL LABOR RELATIONS BOARD, PETITIONER

DONNELLY GARMENT COMPANY, DONNELLY GAR-MENT WORKERS' UNION AND INTERNATIONAL LADIES' GARMENT WORKERS' UNION

No. 39

INTERNATIONAL LADIES' GARMENT WORKERS'

DONNELLY GARMENT COMPANY, DONNELLY GAR-MENT WORKERS' UNION AND NATIONAL LABOR RELATIONS BOARD

ON WRITE OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE RIGHTS STROUT

PETITIONS FOR CERTIORARI PILED JANUARY 20, 1946 CERTIORARI GRANTED APRIL 29, 1946

Nos. 786 - 787 Volume VIII. RECORD.

JAN 29 1946
CHARLES ELMORE CROPLEY

United States Circuit Court of Appeals

No. 12,641

DONNELLY GARMENT COMPANY, A CORPORA-TION, PETITIONER,

NATIONAL LABOR RELATIONS BOARD, RESPONDENT.

DONNELLY GARMENT WORKERS, UNION, INTERVENER.

INTERNATIONAL LADIES' GARMENT WORKERS' UNION, INTERVENER.

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FILED AUGUST 5, 1943.

Testimony and Exhibits in Case No. 12,841.

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	51G, Check for \$18.95, dated May 6, 1937		4235
	52A to 52H, Checks, Donnelly Garment Company to Anna		
•	Reece	7087	4237
	Reece, 52A, Check for \$15.06, daved Magel 11, 1937	7087	4237 .
	52B, Check for \$15.50, dated Warch 18, 1937	7688	4239
5	52C, Check for \$17:75, dated March 25, 1937	7089	4241
	52D, Check for \$20.84, dated April 1, 1937	7090	4243
	52E, Check for \$19.65, dated April 8, 1937	7091	4245
	52F, Check for \$18.13, dated April 22, 1937.	7092	4247
	52G, Check for \$24.25, dated April 29, 1937	7093	4249
	52H, Check for \$18.93, dated May 6, 1937	7094	4251
	53A to 53H, Checks, Donnelly Garment Company to Agnes		
	Hutchinson.	7096	4253
	\$3A, Check for \$19.23, dated March 18, 1937.	7096	4253
	53B, Check for \$22.71, dated March 25, 1937	7097	4255
	53C, Check for \$22.40, dated April 1, 1937		4257
	53D, Check for \$23.31, dated April 8, 1937	7099	4259
	53E, Check for \$28.77, dated April 15, 1937	7100	4261
	53F, Check for \$2.24, dated April 22, 1937	7101	4263
		7102	4265
	53G, Check for \$30.00, dated April 29, 1937 53H, Check for \$26.06, dated May 6, 1937	7102	4267
	53H, Check for \$26.06, dated May 6, 1957 54A to 54I, Checks, Donnelly Garment Company to Iris Litten.		4269
	54A to 54I, Checks, Donnelly Garment Company to Iris Litten.	7105	4269
		7105	
	54B, Check for \$25.59, dated March 18, 1937	7106	4271
	54C, Check for \$24.73, dated March 25, 1937	7107	4273
	51D, Check for \$24.37, dated April 1, 1937		4275
	54E, Check for \$25.77, dated April 8, 1937		4277
	54F, Check for \$26.44, dated April 15, 1937	7110	4279
	54G, Check for \$24.62, dated April 22, 1937		4281
	54H, Check for \$33:31, dated April 29, 1937	7112	4283
	541, Check for \$25.03, dated May 6, 1937	7113	4285
	55A to 55H, Checks, Donnelly Garment Company to Flora		
	v: Fries	7115	4287
	55A, Check for \$26.88, dated March 18, 1937	7115	4287
	55B, Check for \$27.10, dated March 15, 1937		4289
	55C, Check for \$23.31, dated April 1, 1937		4291
	55D, Check for \$25.74, dated April 8, 1937	7118	4293
	55E, Check for \$24.94, dated April 15, 1937	7119	4295
	55F, Check for \$32.59, dated April 22, 1937	7119	4297
	55G, Check for \$34.22, dated April 29, 1937.	7120	4299
	55H, Check for \$29.97, dated May 6, 1937	7121.	4301 .
	56A to 56I, Checks, Donnelly Garment Company to Lillie		
	Reynolds		4303
	56A, Check for \$22.35, dated March 11, 1937	7123	4303
		7124	4305
	56C, Check for \$22.21, dated March 18, 1937.	7125	4307
	56D, Check for \$22.44, dated April 1, 1937	7126	4309
	56E, Check for \$27.61, dated April 8, 1987	7127	4311
	56F, Check for \$23.42, dated April 15, 1937	7128	4313
	56G, Check for \$30.57, dated April 22, 1937	7129	4315
	56H, Check for \$33.34, dated April 29, 1937,		4317
	561, Check for \$27.58, dated May 6, 1937		4319
	57. Tabulation relative to Comparative Earnings of Piece		
	Work Operators-First Six Months-1937 and 1938	7131	4321
			*

The Examiner would have a right to say that doesn't make any difference, she believed it honestly, and that is why she joined the Donnelly Garment Workers' Union.

[fol. 4015] So, there are a number of reasons why these contracts aren't material or proper in this case.

Trial Examiner Batten: Of course, in view of Mr. Ingraham's statement-

Mr. Langsdale: (Interrupting) I am not going to allow these witnesses to bring the contracts in here unless they are made to.

Trial Examiner, Batten: You may proceed, Mr. Ingraham. It may be the very matter we are discussing wouldn't be raised by the testimony, although I think you will all agree with me it has to be decided on.

Mr. Tyler: I think I should be allowed to meet Mr. Langsdale's statements, please. I suggest, which does Mr. Langsdale prefer working for, out of two employments, the fact one pays him \$5,000 for some amount of work, that the other pays him \$200, which he prefers to work for?

Mr. Langsdale: I might not even have the chance to get the \$5,000 client. Is that any reason why I should have to take the \$200 client? That is not the issue here.

Mr. Tyler: I would say, what would be your choice is the issue.

Trial Examiner Batten: Yes, I would say the only difference is this, Mr. Langsdale knows he would get \$5,000 from one and \$200 from the other. I say that is immaterial here. What the 1200 employees knew in their mind when [fol. 4016] they made their own decision, not what is on file in someone's office.

Mr. Tyler: And whether they knew it is certainly material, whether it is a fact or the wildest uncertain dream.

Trial Examiner Batten: No, I think it depends primarily on what they knew. Let's assume it is false, but they didn't know it was false—

Mr. Tyler: (Interrupting) Yes, but the fact it is false lessens the possibility they heard it or believed it.

Trial Examiner Batten: Let's proceed, Mr. Ingraham.

Mr. Ingraham: Miss Tobin, in how many shops that you have named are there head pattern makers?

Mr. Langsdale: 'I object. That is immaterial, doesn't tend to prove or disprove any issue in this case. We are not trying the I.L.G.W.U. here or their contract, and how many pattern heads they have hasn't anything to do with it, whether or not the pattern department in the Donnelly Garment Company influenced or coerced the other employees to get into the Donnelly Garment Workers' Union.

Trial Examiner Batten: I don't think that has anything to do with the contract. It has to do with this question, with the function, what was the head pattern—.

Mr. Ingraham: (Interrupting) Yes.

Trial Examiner Batten: Yes, I think it is material [fol. 4017] in this case.

Mr. Langsdale: In what way?.

Trial Examiner Batten: I don't care to go into it.

Mr. Langsdale: I object to it. I suppose his next question is whether or not that head pattern maker belongs to the I.L.G.W.U., and I think that is immaterial.

Trial Examiner Batten: Ledon't know what his next question is. You may tell us. Read the question.

A. Please.

(Last question read by the reporter.).

A. I would be handicapped, because out of the 29 shops, I don't remember just which ones I named, but we don't have head pattern makers, we have a head cutter in the larger shops, and two of those would be the Stern and Prins shop and the Brand and Puritz shop.

By Mr. Ingrahain:

Q. At how many shops you have named do you have instructors?

A. I believe there are instructors in all of the shops.

Q. Now, Miss Tobin, are instructors that are in these various shops members of your Locals?

Mr. Langsdale: I object to that as immaterial. It doesn't tend to prove or disprove any issue in this case. It doesn't state whether or net the Donnelly Garment Company influenced the employees of that shop to join the Donnelly Garment Workers' Union. What the custom is [fol. 4018] in the other shops has no bearing on that issue.

Trial Examiner Batten: You may tell us.

A. They are not.

By Mr. Ingraham:

Q. They are not members of the I.L.G.W.U?

A. That is right.

Q. Now, can you give me the names of the instructors, at the present time, in Marguerite Keyes, Inc.?

Mr. Langsdale: That is objected to as immaterial, doesn't tend to prove or disprove any issue in this case. This is his witness, he puts her on the stand and vouches for her testimony. I suppose now he wants to know whether she is telling the truth or not.

Trial Examiner Batten: Just a moment. I am not interested in whose witness she is.

Mr. Langsdale: I am.

Trial Examiner Batten: I am not, and I am only concerned about this, and I intend to follow this rule. Whoever puts the witness on the stand may proceed with the witness; we are interested in getting the facts. If it becomes obvious the witness is adverse, even to the person who puts the witness on, I will allow more latitude in the examination; that is the matter that interests me. I don't intend to hold out whose witness it is.

Mr. Langsdale: That is the rule.

Trial Examiner Batten: That is the rule to the point [fol. 4019] where we will have to get into a discussion about whose witness and whether the witness is adverse and whether you are trying to impeach your own witness, I am not going into all that.

Mr. Langsdale: Well, I will submit, as far as this woman is concerned, your rule is correct, but I don't think they ought to be permitted to build up a strong defense and knock it down.

Trial Examiner Batten: Was there a question? Yes. Do you know the names of the instructors?

A. No, I don't. I may know some of them, if I saw the name on if I saw the girl, but I can't remember the names of the instructors.

By Mr. Ingraham:

Q. Is May Stevens a member of the I.L.G.W.U.!

A. I believe that she is, I am not sure.

Q. Has she been acting as instructor at the Marguerite Keyes shop?

A. I think she was made an instructor about two weeks

ago.

Q. And she is still a member of your union?

A. If there has not been a meeting since she was made an instructor, she is.

Q. So if there hasn't been a meeting, she is still a mem-

fol. 4020] Q. Now, you answered, in answer to a previous question, there were head cutters that belonged to the J.L.G.W.U. In what shops are those head cutters employed? A. I said that?

Q. Yes, you said there weren't any head pattern makers, but there were several head cutters in the larger shops.

Mr. Langsdale: Well, I don't think she said they belonged to the union.

By M.: Ingraham:

A.Q. Well, do they belong to the union?

A. Head cutters do not belong to the union.

Q. What cutters do!

A. Cutters who do productive work, who do actual cut-

ting.

Q. If a cutter does actual work part of the time, and then the balance of the time directs other cutters in their work, would that person be eligible for membership in your union? Mr. Langsdale: Of course, that is not material to any issue in this case.

Trial Examiner Batten: Well, she can tell us.

Mr. Langsdale: Are we comparing the unions here?

Trial Examiner Batten: She may tell us.

A. I don't know of and of our shops where the work is done that way.

By Mr. Ingraham:

Q. How is it done?

A. In some very small shops— I mean in the shops where they have one or two cutters, there is no head cut[fol. 4021] ters; there is possibly one of the cutters who does the productive work, takes care of the cutting tickets and decides what work has to be cut throughout the day, but there is no head cutter.

Q. Now, the cutter that does that kind of work, is he

qualified for membership in your union?

A. Any worker that does productive work that actually works on the garment, is eligible for membership.

Q. Even though part of their work does consist in directing others in what has to be cut and the tickets, as you stated, in making the tickets?

A. As I stated, yes, his work isn't directing others, because it is in the small shops where there are only one or

two cutters, or possibly three.

Mr. Langsdale: Just a moment. I suppose I have a continuing objection to this line of questioning?

Trial Examiner Batten: Yes.

By Mr. Ingraham:

Q. Miss Tobin, in the small shops where there are only one or two cutters, doesn't one cutter direct the work that is done?

A. As far as handling the cutting tickets, I presume it is done that way.

Q. What do you mean, handling the cutting tickets?

A. The tickets are given to them by the employer, that such and such a style is to be cut that day.

[fol. 4022] Q. And then he directs the others according to those tickets?

A. That, I wouldn't know. I am not familiar with it. I don't take care of the cutters. Mr. White does that.

Q. Now, Miss Tobin, in the plants where they employ

instructors, what work does the instructor do? .

A. She teaches the people on new styles, gives out work, watches the quality of the work, trains new girls, recommends whether they should be kept or laid off, tells the firm when they need new people, tells them when they have too many people and wants somebody to be laid off.

Q. Now, it is your testimony that the instructors in these shops, that have contracts with the I.L.G.W.U., aren't

members of the I.L.G.W.U.?

A. I think that I am safe in saying that all of our contracts say that the supervisors can't belong to the union.

Q. I am not talking about your contracts; what are the facts? A. That is the fact.

Q. And you are sure about that?

A. In some of the shops where they may not have an instructor, they sometimes take one of the girls from the machine, and make her an instructor. It is also understood when they do that, that those girls are to take a withdrawal card, or give up their rights in the union, they immediately [fol. 4023] cease attending union meetings, and then they either take out a withdrawal card or give up their active rights in the union.

They sometimes remain members to keep their insurance up, but they don't attend meetings, and they have no rights and no protection in the union.

Q. Now, when you mentioned withdrawal, that doesn't mean resigning from the union? A. Yes.

Q. . It does! A. It does.

Trial Examiner Batten: Now, just a moment. There is a difference, Miss Tobin, between withdrawing and resigning, is there not? I mean that when a [persons] resigns from the union, they sever all connection, don't they?

A. That's right.

By Trial Examiner Batten:

Q. Now, if a person withdraws from the union, as many unions do when a person becames a foreman or a supervisor, they will be able to keep up their insurance and pay on death benefits 2. A. That's right.

Q. But they don't have any vote?

A. That's right.

Q. They don't attend meetings? A. That's right. [fol. 4024] Q. They don't have a right to act as a negotiator?

A. That's right.

Q. Or handle any grievances?

A. That's right.

Q. So there is a difference between withdrawing and resigning, is there not?

A. Yes.

. Mr. Ingraham: I am looking for an exhibit, Mr. Examiner.

By Mr. Ingraham:

- Q. While I am waiting for this exhibit, Miss Tobin, when you describe the duties of the instructors, in plants with which you have contact, did you state that they had authority to discharge?
 - A. To recommend discharge.
 - Q. To recommend discharge?

A. Yes.

Q. And did you state they had authority to employ?

A. They have authority to employ. I know in some shops they interview the girls for employment; in others, the girls are sent to their sections, and they pass on whether they are capable.

Mr. Ingraham: I haven't got the papers here that I wanted to inquire into.

Trial Examiner Batten: Well, I thought you only had two or three questions, Mr. Ingraham. Now, you see, we have to go over until two o'clock with this witness, and [fol. 4025] at two o'clock I had intended to make my ruling on this entire matter. Now, how much longer, roughly?

Mr. Ingraham: I would say not to exceed 15 minutes, at the most.

Mr. Langsdale: Of course, I am going to have a right to cross-examine her, and I am not going to put a limit on it, unless the Examiner puts a limit on it.

Trial Examiner Batten: I am going to make my ruling at two o'clock with respect to what testimony I am going to receive, and in what order I will receive it. So, from that point on, at least, you will understand the order in which the proof is going to be submitted.

Well, we will adjourn until two o'clock-

I don't mean by that I am going to dispose of this witness. I have started with this witness, and I intend to finish with this witness.

[fol. 4026] By Trial Examiner Batten:

Q. Miss Witness, are you familiar with the fact that 2 o'clock was the time?

A. Yes, I was, and I am very sorry, I couldn't get a cab.

Trial Examiner Batten: You may proceed with this witness.

By Mr. Ingraham:

Q. Miss Tobin, you stated there were certain shops that you considered larger shops and certain shops that were smaller shops. Will you give the names of the larger shops that you have reference to?

A. Stern-Slegman and Prins; Brand and Puritz, Gordon, Gernes and Liberty, I would say are our larger shops.

Q. And did those larger shops have separate locals in each shop?

A. No.

Q. Will you give the shops that did have separate locals in those larger shops?

A. Stern-Slegman and Prins; Gernes, Brand & Puritz.

Q. Now, will you tell me the time that the I.L.G.W.U. entered into a contract with Stern-Slegman Prins?

Mr. Langsdale: I object to that as immaterial. It [fol. 4027] doesn't tend to prove or disprove any issue in the case.

Trial Examiner Batten: You may tell us, if you know.

A. I believe that it was in January or February of 1937, I am not real sure.



By Mr. Ingraham:

Q: Will you give me the same information with regard to Brand and Puritz?

A. It was a week or two following the Stern-Slegman

Prins agreement.

Q. Now, can you give me the names of the presidents of the locals at Stern-Slegman Prins, since 1937, or since the contract was entered into?

[fol. 4028]. A. Well, I think I can recall most of them.

By Trial Examiner Batten:

Q. Tell as, if you recall.

A. What name did you ask me!

By Mr. Ingraham:

Q. Well, Stern-Slegman and Prins.

A. Homer Ross is the president of the local at this time, and I believe that he has been reelected each time since.

Q. Now, Brand and Puritz?

A. Brand and Puritz — I believe the first president was Lloyd Brown, and Carl Brower is the president at this time; and Ethel Carpenter was president one term, and there may have been another one, but that is all I can recall.

Q. Well, Brown was the first president, then Carpenter?

A. No, I would not say that they followed each other; I believe Brown and then Gertie Reel, then Carpenter, then Brower.

Q. Now, Homer Ross, what was his job at Stern-Slegman?

A. I think he is a marker; he is in the cutting department.

Q. What was the job of Lloyd Brown?

Mr. Langsdale : What time are you talking about?

Mr. Ingraham: When he was president.

. A. When he was president, he was supervising the cut-[fol. 4029] ting room at Brand and Puritz.

Q. Did he have charge of the cutting at Brand and Puritz?

A. I know that he had something to do with it. I don't know whether there was a man over him or not, that I can't say; he is no longer a member of the union, he took a withdrawal several years ago.

Q. But at the time he was president, he was in charge

of the cutting?

A. I know that he had something to do with the management of the cutting room, but whether he is in charge of it, or somebody over him I don't know.

Q. Now, who passed on the qualifications of these peo-

ple for membership in your union?

A. They were taken in at the time the agreement was signed, and at that time the Board hadn't been set up, and didn't function and didn't pass on the qualifications; at the present time the executive boards pass on them.

Q. Now, that was in 1937?

A. Right.

Q. Isn't it a fact, Miss Tobin, that in 1937 all the employees were taken into the union titer this contract was signed in these respective shops?

A. No, that is not a fact:

Q. Well, who passed on their qualifications?

A. At that time I told fou there was notody passed on [fol. 4030] their qualifications until the executive boards were set up, and now the executive boards pass on the qualifications.

Q. When was the executive board set up?

A. The year following the signing of the agreement.

Q. Now, during that time, is it not a fact that instructors were taken into the union?

Miss Weyand: I object to the question as not material to the issues in this case.

Trial Examiner Batten: You may tell us.

A., Instructors were not taken into the union.

By Mr. Ingraham:

Q. Do you recall a rule that your union adopted that instructors could remain in the union, but wouldn't be given the right to vote?

A. That doesn't cover the complete ruling. They could remain in the union, but they were not permitted to attend union meetings, and they had no right to vote, and they

had no protection from the union; in other words, if they accepted the job as an instructor, and were discharged for one reason or the other, they had no union protection.

Q. And they could remain members of your union?

A. They could remain members of our union, with that qualification.

Q. And that did occur with a lot of instructors, they did remain members of your union !

A. Not a lot of them, Mr. Ingraham.

[fol. 4031] Q. But a great number?

A. No, not a great number, a very few.

Q. How many?

A. Well, I don't know the exact number," but I know that it wouldn't be more than five or six.

Q. How many more than five or six? Well, would you say 50?

A. 50%

Q. Yes.

A. No.

Mr. Langsdale: She said it wouldn't be more than five or six.

By Mr. Ingraham:

Q. Oh, not more than five or six: I thought you said over five or six.

A. That's right.

Q. Now, you classify cutters into top cutters or head cutters?

A. No, we don't classify them.

Q. Does your union?

A. I mean, it would depend on the work they were doing in the shop.

Q. Well, do you have such people as head cutters and top cutters?

A. In some of the larger shops, they do have head cutters.

By Trial Examiner Batten:

Q. Well, does the union have a classification of cut-[fol. 4032] ters?

A. It is divided into two classifications, cutters and spreaders.

Q. Well do you have any classifications within those two general classifications?

/ A. Well, they would be cutters and spreaders, but there is no classification known in the union as head cutters.

By Mr. Langsdale:

Q. Let me ask you if you have this sort of a classification, head cutters who were members of the union, but nevertheless exercised duties in their directory capacities, over other cutters, without becoming subject to censure or discipline by the union, providing that such head outters do not violate the provisions of the contract; head cutters who are members of the union, who shall not be allowed to cut except original samples only?

Miss Weyand: I object to that as immaterial to the issues of this case.

Trial Examiner Batten: You may tell us.

A. We don't have that in Kansas City contracts.

By Mr. Ingraham:

Q. Do you know of that provision being in the LL.G. W.U. contracts?

A. No.

Q. Do you have cutters known as top cutters?

A. No, we don't.

Q. In Kansas City!

[fol. 4033] A. We don't classify them that way.

Q. How do you classify them?

A. Just cutters, choppers and spreaders, and in some of the larger shops they have markers.

Q. And in some of the larger shops is there a cutter

-that gives directions and orders?

A. In the larger shops there is a man that gives the directions

Q. Is he a cutter?

A. He doesn't do productive work.

Q. Have you any man like that, that does productive work and gives orders in addition?

A. Not in the larger shops. As I explained this morning, in some of the smaller shops.

Q. Now, you consider Brand and Purity a larger shop in Ransas City!

A. That's right.

Q. Now, what did Brown do?

A. Well, Mr. Ingraham, I know at the time the contract was signed there was one cutter who had joined the union before the contract was signed, his name was Henry Dellick, and he was asked to take a withdrawal card, because he does supervise the cutting room—I mean he has charge of the cutting room at Brand and Puritz. Brown, it is my understanding, did some productive work at that time.

[fol. 4034] There was more or less of a dispute about it, for some time, and then after a year or so he was asked to take a withdrayal from the union, and he did.

Q. Do you know whether or not Brown was president of the I.L.G.W.U. Local for more than one year?

A. I think that he was, but I don't remember the exact

time.

Q. And you elected your officers each year, don't you?

A. No, every two years. \(\)
Q. Then, did he serve two terms as president?

No. he didn't serve two terms, two full terms, I am sure, but I don't remember how long he served.

Q. Are you sure he was not reelected after his first

term?

A. I am not sure of that.

Q. Did Brown voluntarily resign or ask to resign from the union?

A. I don't remember just how it happened. I know at the last there was some discussion about it for some time, and I don't know whether it was because the board asked him to or whether he finally decided it was the thing to do, I don't remember.

Q. Do you recall a number of instructors that had been members of the I.L.G.W.U. asking to resign from the

union?

A. No, I don't.

Q. Do you recall any controversy about that? [fol. 4035] A. No, I don't.

[fol. 4039] Mr. 7r. aham: Mr. Langsdale states for the record that he is instructing the witness not to produce the

contract. Now, I would like to know if the witness is willing to bring in the Brand and Puritz contract.

Trial Examiner Batten: The witness may indicate whether she is willing or not.

Mr. Langsdale: There is a way to determine whether or not it is material, and that is by subpoena duces tecum.

Trial Examiner Batten: I say the witness may indicate whether she is willing or not.

A. I would like to ask which contract you are asking for.

By Mr. Ingraham:

Q. I would like all the contracts for Brand and Puritz.

A. I can't bring you in the 1937 or 1939 contracts; I could bring you the present contract; but after a contract is renewed it is taken out of our files.

Q. Where is it?

A. I think it may be in the St. Louis files, in Mr. Peristein's office.

Q. Could you communicate with his office and get the two contracts which you refer to, which are not in your files?

[fol. 4040] Trial Examiner Batten: Wouldn't the company have them?

Mr. Ingraham: I don't know.

By Mr. Ingraham:

Q. Do you know what happens to the company's copies?

A. No.

Trial Examiner Batten: I would suggest, Mr. Ingraham, you find out whether or not the company has them in their file, rather than go through all this. I am not passing upon whether they are relevant or not, I am merely suggesting that that is a method.

Mr. Langsdale: My position is that I would not—I don't want to be put in the position of consenting that this is material, or should be produced. If we have it, and he gets out a subpoena duces tecum for it, then we will produce it, and argue the admissibility of it then.

Mr. Reed: That is strange talk about a subpoena duces tecum, when they have been demanding our contracts and our records, and they have been produced without any subpoenaes.

Trial Examiner Batten: May I say this, Senator: Maybe they have been demanding or requesting them, whichever you want to say, but I am not instructing you to produce this, but I will say that everything I have suggested to Mr. Ingraham to produce, he has brought in here, so far as that is concerned. There is no question about it, the record will support that position.

[fol. 4041] Mr. Reed: Perhaps you will now do the same thing with reference to the prosecution that you did with the defense, you will request these people to bring in this document.

Trial Examiner Batten: When the proper time comes, Senator, I will treat you the same as I treated the other people. I still want this witness to answer this question, as to her willingness to produce this document. You were looking at me, Senator, I thought you were directing your remark at me.

Mr. Reed: It was objected to the other day because I looked at Mr. Langsdale.

Trial Examiner Batten: Well, but if you are making a remark, if you look at the person to whom you are addressing your remark,—I can't tell—

Mr. Reed: I was looking at the Examiner in a perfectly proper way, in order to get his ruling, but I did say, in reply to Mr. Langsdale, that it is a strange thing for them to set up the proposition that we should have a subpoena duces tecum served by us.

Trial Examiner Batten: I am trying to agree with you. Your client has been very fair in producing these documents.

Mr. Reed: I am not criticizing you in the least.

Mr. Langsdale: I don't want to be misunderstood on this question. If the Examiner should request this witness

to bring them in, we will bring them in, but I don't want [fol. 4042] to voluntarily admit they are relevant; she will bring in anything you ask us to bring in.

Trial Examiner Batten: Will you bring them in? What is it you want?

Mr. Ingraham: The 1937 and 1939 Brand, and Puritz contracts.

A. It may take me a day or two.

Mr. Langsdale: My only point was that by bringing them in, we might be admitting their admissibility, which I don't want to do. If you will request it—I assume you will rule on that when the point is raised.

Trial Examiner Batten: I don't think there is any admission, Mr. Langsdale.

By Mr. Ingraham:

Q. Miss Tobin, are examiners or inspectors employed in the shops with which the International has contracts in Kansas City?

A. Yes.

Q. Is that term "inspector" or "examiner" the same? Does it have the same meaning?

A. Yes, it has the same meaning.

Q. Now, are examiners or inspectors eligible for membership in the I.L.G.W.U.?

A. Yes.

Q. Do the shops that you have referred to employ floor girls, floor ladies?

A. I don't think I understand what you mean by floor girls.

[fol. 4043] Trial Examiner Batten: Or thread girls.

By Mr. Ingraham:

Q. Or thread girls.

A. Some shops do.

- Q. Do those terms mean the same kind of work?
- A. You would have to repeat that.

Q. Well, a floor girl or a thread girl?

A. No, they do not.

Q. What do you understand is meant by a worker that is described as a floor girl?

A. We don't use that lerm.

Q. What do you mean by a thread girl?

A. Well, we don't use the term "thread girl" either.

Q. What term do you use?

A. I don't know what we use; possibly floor girl would come nearer describing it. They are girls that—

Q. (Interrupting) And what-

Mr. Langsdale: (Interrupting) Let her finish her answer.

A. They are girls that bring thread and recuts and so forth to the girls.

By Mr. Ingraham:

Q. And bring in supplies that might be needed by the operators?

A. That's right.

Q. Now, are those workers eligible for membership in the LLG.W.U.?

[fol. 4044] Miss Weyand: I object to the question; however, I hesitate to keep stating an objection unless the Trial Examiner desires me to state it to each question; if he has ruled he is going to allow this kind of questioning, I would like —

Trial Examiner Batten: (Interrupting) Well, you may have a continuing objection. You may tell us, are they eligible for membership in the union.

A. It may be in some cases. In other cases the executive board decides on who is eligible, and it depends upon the work they were doing in the shop.

By Mr. Ingraham:

Q. Now, what work would they be doing when you would classify them as being eligible?

A. Productive work; I mean if they handle the work, any productive work in the plant.

Q. What do you mean "handle"?

A. Well, we have girls that do turning and marking that we call floor girls, that is productive work. I can't recall any one shop where a girl's only duty is to bring thread or to bring recuts; I mean they do that and a number of other things.

Q: But you do consider carrying recuts and threads as

productive work?

- A. Well, we have never had to decide that, because the people that do that do other work like turning belts, turn-[fol. 4045] ing collars, marking off pockets, and that sort of work.
- Q. Well, people that carry thread and bring cuts, would you classify those workers as being ineligible for membership in your union?

Miss Weyand: I object to that as purely speculative. She says they did not have any specific instance in which that has arisen.

Trial Examiner Batten: Of course, I don't think this is the first speculative question we have had thus far in the hearing. I think you may answer.

A. It would depend entirely upon what they were doing. I mean, we didn't have people that do just that work, and, as I said before, the executive boards decide who were eligible. Each local has their own by-laws, and the people that want to come into the union have to go before the executive board, and at that time they are questioned as to what they do on the job, and if they decide the work is productive work, they would be eligible for the union.

By Mr. Ingraham:

Q. Well, now, what floor girls has this executive board classified as being ineligible for membership in your union?

A. Now, that would be those in a supervisory capacity.

Q. What would the person or employee be doing that would classify them as a floor girl, and yet be in a supervisory position?

[fol. 4046] A. Well, if they were in a position in anyway to have authority over the girls, then they wouldn't

be admitted to the union.

Q. What do you mean by authority over the girls?

A. I mean if the girl's job was in any way affected by those people.

Q. You mean if they had the authority to fire?

A. Or to hire or to make recommendations for hiring or firing.

Q. If they don't have that authority, they would be

eligible for membership in the I.L.G.W.U.?

A. No. If they have anything to say about the division of the work, they would not be eligible for membership in the union.

Q. With that exception, they would then be eligible?

A. If they had no authority to hire or fire, or no authority over the working conditions, as to whether the girl gets good work or bad work, or the division of the work, then they would be eligible to join the union.

Q. You stated that certain employees that do directing are members of the I.L.G.W.U., and are eligible for membership, this morning. That is what I understood you to

say? A. No, I don't think I stated that.

Q. Well, what did you say?

A. I said in the small shops where there were one or [fol. 4047] two cutters, and the cutter does productive work; he might do a certain amount of directing as far as taking the orders from the employer and seeing what they are going to cut today, but he cuts along with the other cutters right along.

Q. If a man does cutting and does have some directory authority, or directing authority, he is eligible then for

membership in your union?

A. To the extent that I stated in my answer.

Q. Now, in a large shop, if a man does productive work and has some directing authority, is he eligible for membership in your union?

A. Well, in the larger shops they are not set up; that way. They have a head cutter and a man who is in charge

of the cutting room, and directs the work.

Q. Now, do you know what the position of Brown was

in Brand and Puritz in 1937?

A. I stated in 1937 that I believed that Brown did do some directing in the cutting room; I know that he was taken into the union at that time, and that Hank Dellick was asked to take a withdrawal because he was in charge of the cutting room.

Q. Did Hank Dellick continue to work for Brand and

Puritz after the contract was signed?

A. Yes; he is working for them at the present time.

Q. Has he been over Brown at any time?

[fol. 4048] A. Well, that was a matter that was in dispute. I don't know what their difficulty was, or whether Dellick is over him or just how it is set up.

Q. At the time the contract was made with Brand and Puritz, were you in charge of the organization campaign,

as you call k, for the I.L.G.W.U., in that shop?

A. I was assisting in it.

Q. You knew at that time the position of Brown, did you not? A. No. I did not.

Q. Well, did Brown assist you in that organizational

campaign? A. He did not.

Q: You are sure of that? A. Positive.

Q. Do you know whether or not be solicited employees to join the I.L.G.W.U.?

A. I know that he did not.

Q. But you do know that he joined the I.L.G.W.U., and was elected the first president? A. Yes.

Q. And afterwards he served for two years?

A. I don't know the length of time that he served. I

know that he served for some time:

Q. Now, Miss Tobin, there has been reference in this [fol. 4049] case to strikes at 26th and Grand, in the spring of 1937. Were you in charge of the strikers in the Missouri Garment Company plants?

Mr. Langsdale: Just a moment-

Miss Weyand: (Interrupting) I object to that question as not within the scope of the remand of the Circuit Court of Appeals. It was urged that error had been committed by the Trial Examiner and the Board in excluding evidence of violence in other plants. The Circuit Court's position, taken in connection with the issues there presented, clearly indicates that the Court believed the Board and the Trial Examiner properly limited the issues and properly refused to try the question of whether or not violence had taken place by the LLG.W.U. at other plants in Kansas City.

It is true that the offer of proof as to 1200 employees, relating to their state of mind and motives for forming and joining the Donnelly Garment Workers' Union, did include their understanding of the nature and type of violence then occurring.

However, as I stated this morning, I believe the issue to be purely whether or not these employees were motivated by an understanding of some violence, and no question is raised at the present time in the case as to whether or not the violence did take place. That could only become an issue, if it could become one at all, if employees did [fol. 4050] allege such an understanding as a motive, and the Board should contest the honesty of the employee's statement of his understanding.

The Board, so far, hasn't contested or raised any issue that any employee who stated that he heard of violence hadn't so heard of violence.

[fol. 4051] Trial Examiner Batten: I say to you, is this an introductory question opening up the question of violence through this witness?

Mr. Ingraham: We made an offer of proof by the employees on the facts involved in the so-called strikes at 26th [fol. 4052] and Grand, and I was briefly going to inquire of Miss Tobin who had charge of the strikes up there and if it was the I. L. G.-W. U. and what went on.

Trial Examiner Batten: Then that raises again, doesn't it, the thing we discussed this morning, proving the fact, and is it the fact that you want to prove, or is the important thing in the court's decision the frame of mind of the employees and what they thought?

Mr. Ingraham: One of the reasons we have for showing what did occur is a remark that I believe you made at the last trial to the effect that it is more or less usual for violence—that is not correct, but you did say that—you described what we call violence as the figual organizational activities.

Trial Examiner Batten: Well, Mr. Ingraham, I presume that all of my sins should plague me, and they undoubtedly will, at least through this hearing, but my question still is, is this introductory to raising this entire question of yiolence through this witness?

Mr. Ingraham: I think that we have a right to show by this witness what the facts were up there, so thatTrial Examiner Batten: As to violence, yes.

Mr. Ingraham: —so that there will not be any question but what this violence did occur.

Trial Examiner Batten: Then, I will say I am going [fel. 4053] to rule that it is immaterial, to this extent: I am now going to direct the order of proof to this extent, I am going to direct that we first receive the testimony of the 1,200 witnesses, if they testify to material evidence that was ordered by the court, in accordance with the order of the court remanding the case.

Now, I think I said, and, if I am not mistaken, Mr. Hogsett—and you check this with him and call it to his attention in the record—agreed with me to this extent, as to Mrs. Reed—I said on at least three occasions I felt Mrs. Reed should testify about any and all facts, because, unfortunately, she could not be here in July 1939, and I would not attempt to limit Mrs. Reed's testimony.

I said, further, that as to any other executive officer of the company or any other person who couldn't be here at the last hearing, I would apply the same rule.

Now, Miss Tobin was here at the last hearing.

I am going to direct that order of proof at this time. And 'I am further going to do this— I am not going to make a ruling at this time on how extensive the Circuit Court of Appeals' ruling goes, because I want to give further consideration to it. Now, I am going to spend the rest of the afternoon listening to any argument which counsel have on my ruling that we will proceed with the 1,200 witnesses, as the court stated that testimony should [fol. 4054] be received. I will listen to any arguments there are with respect to how much the Circuit Court wanted included in this. Now, I will listen to any arguments there are.

Mr. Ingraham: Before Miss Tobin is excused, and before making any offer of proof, I have just one other question.

Trial Examiner Batten: Well, she has not answered the last one, has she?

Mr. Ingraham: No. I understood you to state that you were going to have us make an offer of proof.

Trial Examiner Batten: Yes, I want an offer of proof on that, as far as this witness is concerned; not a general offer of proof, Mr. Ingraham.

Mr. Ingraham: Nes.

By Mr. Ingraham:

Q. Miss Tobin, who is the chairlady at the Marguerite Keyes shop at the present time?

Mr. Langsdale: Now, just a moment. The Marguerite Keyes shop wasn't in existence in July 1939, as I understand it—not until sometime later.

Mr. Ingraham: I am asking her, at the present time.

Trial Examiner Batten: Is that in connection with your other question, Mr. Ingraham?

Mr. Ingraham: What other question?

Trial Examiner Batten: Your question concerning violence.

Mr. Ingraham: Oh, no.

Mr. Tyler: Mr. Examiner, before yousleave that point, I [fol. 4055] think I am entitled to insert an objection to the ruling as I think it is.

Trial Examiner Batten: What do you think it is?

Mr. Tyler: I think you have directed that this witness not go further into the question of violence at this time. I wish to except to it for the reason that the issue here is not as has been stated by Mr. Langsdale, of the employees stating what they thought was the violence.—It will be stated whether they thought there was violence and the circumstances were such as to make it seem probable that that would have persuaded them to form their own union. Now, if the violence was real, then there is more probability that that was a weighty reason with them.

This with as can testify and has been asked whether the violence was real. It doesn't follow that that would open up a trial as to what caused the violence, but the fact and

the connection of the violence with the International Ladies' Garment Workers' Union is competent evidence, showing that these employees had that as a valid and probably truthful reason for wanting to form their own union.

Trial Examiner Batten: Mr. Tyler, if I conveyed the idea that I was not going to finish this witness's testimony, I certainly didn't intend to. I am still convinced, more than ever, that the thing I must do is to make a ruling on the order of the proof; and, secondly, on how extensive the [fol. 4056] remand is. And until I do that, I think all counsel in this case are as much at a loss as I am to plan their case. So, I think that you, as counsel for these parties, are entitled to have some kind of a ruling from me.

Mr. Tyler: I understood Your Honor to say you were going to hear from the 1,200 employees as to their motives before going into it with this witness.

Trial Examiner Batten: Yes, that is what I stated as to the order of proof, but I didn't intend to say I did not intend to go farther with this witness's testiniony.

Mr. Tyler: Has Your Honor passed on whether evidence of violence is admissible yet?

Trial Examiner Batten: I have not.

Mr. Ingraham: May the witness answer the question I have just asked, so that we can go ahead and present any argument we have on this legal point?

Trial Examiner Batten: I prefer that you present your arguments now, Mr. Ingraham. That was my request.

Mr. Reed: I want to say first, that the other of proof in a case is in the hands of the counsel who proofer the proof. If they do it in an improper way, it is then for a court or an examiner to rule on the evidence as it is offered. But no court has the authority to tell counsel the order in which they shall introduce proof. I don't think I am mistaken about that.

[fol. 4057] So, I say we propose to exercise our right to offer our proof in the manner which seems to us is best and proper. If the Examiner sees fit to exclude it, we can only save our exception at that time.

Now, in regard to this witness, you have stated that you did not propose to make any rule or follow any rule with regard to who brought in a witness—that you might bring in a witness and you might ask them questions like you would on cross-examination—

Trial Examiner Batten: If they become adverse to you, Senator.

Mr. Reed: Yes. Now, we have the right to show the interest of this witness. That is what we are trying to show, her employment for a number of years by the prosecuting force in this hearing. We have the right to show her interest and to show that by her acts. And if we had no other ground than that, we have the right to ask this question and to have it answered now, and not two weeks from now, or some other time when we may reach it.

I insist we have the right to ask this lady if she was here when those strikes occurred and to ask her if she did not take part in them, and to ask her if she did not have direction of the violence that took place, and to show her photograph here—her picture in the pictures that display the riotous conduct of these strikers. That for the purpose [fol. 4058] of showing her interest, if nothing else.

Then, this evidence is competent for another reason. Of course, it cannot be that in a strike of this kind, violence of this kind, where there were hundreds and perhaps thousands of people concerned—we could not be expected to show by every one of the witnesses that we may put on here that they saw the strike. Some of them saw parts of it. But if we offer the person that was conducting the strike, who knows all about it, and prove the fact that the strike took place and the kind of strike it was, that it was given publicity through the papers and the employees hear of it and know it—the air is full of it, the air is full of danger for them, and that is a reason why they would want to organize a union of their own, to be protected against this violence, that is clearly within the decision of the Circuit Court of Appeals.

Now, here is what they said:— Mr. Hogsett called attention to it very graphically.

"At the hearing before the Trial Examiner, the petitioners proffered the evidence of the employees of the Donnelly Company, some 1200 in number, to show how and why they formed the Donnelly Garment Workers' Union, to show that no influence was brought to bear upon them by the employer either in the formation or administration of the union, to show how and why they organized the union."

One of the whys is that this riotous conduct was going [fol. 4059] on, these brutal abuses were being visited upon girls going to work, that the threats had been made that the same thing would be done to the Donnelly Garment workers, so that they were intimidated into riding there in busses or riding there in streetcars, all of that forms a part of this picture.

The only question, then, is, was the violence here? Not what reasons they had for it. We do not have to go into that. But was the violence here? Was the danger here? Was the threat here? Those things we have the right to go into.

Now, here is the lady who conducted the strike. We want to ask her a few brief questions about it.

Now, if Your Honor undertakes to take this case out of the hands of the attorneys and tell us how we shall introduce our evidence and the order of it, all I can say is that we will have to do as we did before, save our exceptions.

Trial Examiner Batten: Senator, might I ask you this question: Do you agree with me to this extent, that it is advisable for me to determine, at least in my own mind, and make some sort of a ruling as to what I think the Circuit Court intended us to cover? Do you agree with me that we have to determine some sort of a yardstick?

Mr. Reed: I say we stand here upon this decision of the Circuit Court of Appeals. I have my opinion about it, and it isn't the same as the opinion that you have expressed, if I understood your expressions or interpreted [fol. 4060] them properly, so that all we can do— We are hailed here to the bar and charged with violating a law. We don't think we violated any law. You have held that we did. And the Circuit Court of Appeals said there was certain evidence that had been excluded which must be received and considered.

Trial Examiner Batten: Well, then, isn't it necessary for me to determine what evidence I think ought to be received?

Mr. Reed: It is necessary for you to determine what you are going to receive, but we propose to offer our evidence.

Trial Examiner Batten: Yes. I am not telling you not to. I simply wanted to know if you agreed with me that it is up to me, as the Examiner, to decide that question. Now, I have discussed it on several occasions, and I want to say that I have given a lot of thought to it, and I intend to give some more. I further want to say that I intend to adjourn this hearing unfil next Wednesday morning at 10 o'clock, while I am attempting to decide just what the Circuit Court intended when it sent that decision back.

Mr. Ingraham: Won't you let us finish with the question that is asked this witness?

Trial Examiner Batten. Now, if there is any further argument about that question, I want to hear it now.

Mr. Langsdale: If the Examiner please, the fiery speech just made by the Senator is one reason why you should [fol. 4061] determine the order of proof. He lines the front row up with his future witnesses and wants to educate them about what he wants them to testify about, and—

Mr. Reed: I object to that as an indecent statement.

Mr. Langsdale: I say, I think that is the motive. Now, he can take that or leave it, as he sees fit. He has made that kind of a speech every time he gets the chance before these girls.

Mr. Reed: Now .-

Trial Examiner Batten: Senator, let Mr. Langsdale complete his statement, and then you may talk again.

Mr. Langsdale: I say he has no right to line his witnesses up on the front row to educate them on these things.

Every chance he has had he has made that kind of a speech, which we say isn't true, and I think the record will show it isn't true.

Mr. Ingraham: Now, the record will show Senator Reed has not made that speech before.

Trial Examiner Batten: Now, Mr. Ingraham, the record will speak for itself. Will you permit Mr. Langsdale to finish?

Mr. Langsdale: The speech is similar to the one, without any possible truth in it, that he made to the Times reporter that Mr. Dubinsky was a Bolshevist and a Communist. I think he knew that wasn't true when he said it.

[fol. 4062] One of my reasons for thinking that this witness's testimony should be deferred until the Circuit Court of Appeals' ruling is followed, is to prevent their dragging testimony out of witnesses here, with their witnesses sitting on the front row, to come on later and say, like Edgar Bergen and Charlie McCarthy, "Yes," "Yes," "Yes." "That is what happened." We had that before, when they signed everything that was stuck in front of them.

I say we should follow the procedure the court said we should follow.

(Reading from Circuit Court of Appeals order.)

"At the hearing before the Trial Examiner, the petitioners proffered the evidence of the employees of the Donnelly Company, some 1200 in number, to show how and why they formed the Donnelly Garment Workers' Union,

The Examiner said it wasn't material, and the Circuit Court of Appeals said it was material, and this case should come back and that evidence should be accepted.

(Continuing reading) "... to show that no influence was brought to bear upon them by the employer either in the formation or administration of the union, to show what the President of the Company had said to them at the mass meeting in the spring of 4937, to show that their freedom to organize and to choose their own representatives for

the purposes of collective bargaining had not been inter-[fol. 4063] fered with by their employer, and to show that their union, both in its formation and administration, was exclusively controlled and supported by them. The Trial Examiner refused to receive this evidence. He permitted the petitioners to make formal offers of proof.

"The Trial Examiner seems to have confused the admissibility of this proffered testimony with his estimate of its weight and sufficiency and of the probable credibility of the witnesses who were to be called upon to give it."

That is what the court said, that the Examiner should not confuse the weight of the evidence with its admissibility, but nowhere in this opinion has the Circuit Court of Appeals said the Examiner should take anything but the testimony of the 1,200 proffered witnesses.

I say they know that is the rule of the court, and I say again that this Examiner should not permit them to put on this witness to prove the ultimate fact of these strikes. That isn't the issue. The issue is, did these employees believe that there were strikes out there, which caused them to join the Donnelly Garment Workers' Union?

They want to prove the ultimate facts, in the presence of these witnesses that they have lined up here to testify when Miss Tobin gets off the stand, and certainly, if for no other reason, the Examiner should exercise his discretion and govern the offer of proof.

Mr. Reed: I am not going to reply at length to that. fol. 4064; There is a class of gentlemen who say things in court they don't dare say outside of court.

Mr. Langsdale: Senator, you don't think I would be afraid to say anything to you anywhere, do you?

Trial Examiner Batten: Mr. Langsdale, now, will you not interrupt?

Mr. Reed: Very definitely I think so. But I am not go-

These witnesses who are here are called here because we have not known at what moment they might have to take the stand. What I have said here is no new information to these witnesses, I take it.

The only question is, here is a lady who knows the facts, and Mr. Langsdale knows very well that if she answers this question which has been asked her, she would have to say that she was in charge of the strike, or at least a part of the strike.

Now, I have said all Lwant to say on the point.

Trial Examiner Batten: I would like to say this, Senator: As far as the witnesses who are here are concerned they are here because I refused to sustain a motion to exclude them. I didn't see any reason for it at that time, and I don't see any now.

I am only interested in whether or not there is anything further counsel want to say with respect to their view as to [16]. 4065 what the Circuit Court intended.

Mr. Tyler, do you have anything to say?

Mr. Tyler: I would like to suggest two thoughts to Your Honor in that connection.

I take it that all of us agree that in any kind of a lawshit of prosecution the facts charged, whether civil, criminal, or prosecution before the Labor Board, we are to try what was alleged in the complaint. Therefore, we are trying what was alleged in the complaint, which refers to what happened in 1937. And when the Court of Appeals said certain evidence was wrongfully excluded, it referred to events as to 1937. Why did these people form their union in 1937, and not in 1942? I think it is obvious, and I do not believe there would be dispute that that is what the Court of Appeals directed us to try: What were the facts in 1937?

However, I think it is true, and I think Miss Weyand very generously suggested it was true to Your Honer the other day, that the law is that the successful, efficient, aggressive operation of a plant union over a period of years is evidence that it was founded by the true wish of those who founded it at the time it was founded. And events which happened after the time charged may throw light on the events at the time the charge refers to. That we do not intend to waive.

[fol. 4066] Trial Exact per Batten: It is your position, that the matter should be brought down to date?

Mr. Tyler: On certain things that throw light-

Trial Examiner Batten: I mean, as far as the issues are concerned, we should take testimony from the time of July 1929 down to today?

Mr. Tyler: Only where the events today or at July 1939 throw light on the facts in July 1937—not as to whether the labor abuses covered this year, or last year, or 1939, but as to facts that throw light on what happened in 1937, I think it is admissible. Of course, we cannot try questions of whether labor abuses occurred with Johnny Jones, or in some other connection that is not alleged in 1937 at all. There is no need for that. But I think that where Your Honor finds that an event now a fact does throw light, under reasonable interpretation, on the facts existing in 1937, then in that case such evidence should be admitted. And the particular kind that I respectfully insist does do that is the successful, vigorous operation of a plant union for a period of five years, since the time the charges were made.

Trial Examiner Batten: Anything further!

Miss Weyand: I would like to make a couple of further remarks directed to the violence issue.

I feel that under the court remand there is no issue of violence before the Trial Examiner at present.

[fol. 4067] As I understand the arguments of counsel for the Donnelly Garment Workers. Union and counsel for the company, they suggest three bases on which they think violence evidence is material. The first of those bases was suggested by Mr. Tyler this morning in his statement, that whether or not violence did exist would be material to a determination of whether or not the employees reasonably acted because of a knowledge of violence.

I do not believe that issue is at present before the Trial Examiner or before the Board. That issue will arise only in the event the employees come in here and make a statement that they acted by reason of the knowledge of certain violence and the Board states it doubts that they really felt that way.

Until the Board raises an issue as to the credibility and weight of the employees' statements of the violence which they understood to exist, that issue does not exist in the case.

I cannot state, until I hear the evidence of these employees, whether or not I shall be glad to say we are willing to take their statements that they knew this violence was occurring as a statement of their state of mind and not challenge it; that is, if they describe their state of mind as one believing that the I. L. G. W. U. fore clothes off of any nonunion girl at any time they met her on the [fol. 4068] street, I am not saying at this time I am willing to accept that that was the state of mind of all of these girls. Possibly after hearing the evidence I might concede they did believe that actually about the I. L. G. W. U., but until that evidence is in and until I state the position that I am willing to take a girl's statement on their state of mind as a true statement of their state of mind, no issue of violence exists, for that reason.

That is under Mr. Tyler's theory this morning as to the materiality of violence.

The second reason set forth as to why evidence of violence might be material at the present time was stated by the Senator. He said he wished this evidence for the purpose of disclosing the interest of the witness on the stand.

I do not believe that that is a proper method of disclosing the interest of the witness. He could show the interest of the witness through her prior employment. He put her on the stand, and if he now wishes to state he doesn't want the testimony she gave as to the supervisory capacities or practices of the L. L. G. W. U. given much weight in this hearing, we will be glad to hear that he doesn't care to have the witness he put on for that purpose believed to any large extent. However, he should not be allowed to drag into the record in this case an issue which has been ruled out of the case, purely on the basis of showing the interest of a witness. I am certain the law will [fol. 4069] sustain me that that is not a proper method

of showing the interest of a witness produced by counsel , for the company himself, if counsel wishes to impeach the witness's testimony or the credibility of the witness.

The third reason which has been advanced as to why evidence of violence should be taken is that the fact of the existence of the violence would show why the employees wished to organize the union. That is just a backhanded way of getting to Mr. Tyler's point, a method of trying to avoid delaying the introduction of violence evidence until the issue arises. He says the issue has already arisen, because if there was violence the employees must have understood there was violence and, therefore, must have acted from that reason.

Now, that does not follow. The fact that it existed does not mean they must have understood or that they must have acted from that reason.

The issue of violence does not arise until you show they, acted from that reason and understood it; then, if I challenge the understanding they had, the issue might arise as to whether that violence actually existed.

The remarks I directed to Mr. Tyler's theory dispose of the reason I think that is not a valid ground for presenting the evidence of violence at this time.

I do not think it is a matter of order of proof. I think the Trial Examiner, within certain limited discretion, can [fol. 4070] direct the order of proof, but I think this is a much broader matter. It is the matter of the issue of violence not being in the case at this time. Therefore, there is no question of order of proof involved. I, therefore, submit, at the present time no evidence of violence should be taken. If the issue I have mentioned or any other issue later arises in the case that would make evidence of iolence material, I will be glad to state my position at that time.

Trial Examiner Batten: Miss Weyand, let me ask you this: You say you do not think it is a matter of order of proof. I said this morning I think we are all agreed on one thing the circuit court did say, that the evidence of the 1,200 employees should have been received, and then

it says later on, "If it becomes cumulative," but we certainly are all agreed that the circuit court said I should have received the offer of testimony of the 1,200 employees. Now, I assume we are all agreed on that. How much farther we may agree is a different thing, and that was my reason for saying, if I direct an order of proof that we take the testimony of the 1,200 employees, or the offer of it, at least, we have the one thing out of the way, have we not, which the Court of Appeals said should have been received?

Miss Weyand: I think there is nothing wrong with the Trial Examiner's reasoning that way. However, I think there is a broader basis for excluding the taking of testifol. 4071] mony of violence at the present time, and that is the absence of any issue that necessitates the taking of any evidence of violence.

Trial Examiner Batten: Of course, I did not want to limit it to just the matter of violence. There undoubtedly will be many other subject matters besides violence.

Miss Weyand: Did you wish us to discuss those other subject matters at the present time?

Trial Examiner Batten: No. But I wanted you to know I wasn't placing it entirely on the matter of violence.

Miss Weyand: I was directing my remarks solely to the violence matter.

Mr. Tyler: If the Trial Examiner please, I cannot agree with Miss Weyand. She suggests that the question of "why!" does not arise unless the Board disputes it. The Court of Appeals said the question of why they formed this union is sent back to be received by the evidence of the respondent and the intervener, not wait to see whether the Board disputes it or not, but the burden is on them to proceed. Now, why they formed the union involves the fact of violence and reasonable evidence that they had occasion to actually be frightened by the violence. That evidence the Circuit Court of Appeals said we should present.

Trial Examiner Batten: I agree with you, Mr. Tyler, because I think you have the thing first in your remark [fol. 4072] that I think should come first, and that is the

testimony of these employees and the question of the reasonableness of it.

Mr. Tyler: I don't think the court said the testimony of the employees is first, before other evidence that shows they so believed.

Trial Examiner Batten: I don't think they said that. .

Mr. Tyler: But I think it is up to the Board to either admit that these employees did have that belief, or to allow them to go ahead and present the evidence showing that it is true, because the court sent this back to the Board to hear that evidence of why they formed the union.

[fol. 4077] Proceedings

Trial Examiner Batten: I think we are ready to proceed. In line with my suggestion when we adjourned I went into the matter of the order of proof in the hearing, and with respect to the procedure which we will follow.

First, I am going to receive the testimony of the employees referred to in the Circuit Court's decision, and on that basis we are ready to proceed.

[fol. 4078] Mr. Reed: I confess I am not sure that I comprehend the ruling. Your Honor states that you will receive testimony of the employees on the matters that were referred to in the offers of proof. Do we understand that is all the testimony you are going to permit?

Trial Examiner Batten: No, I think I stated that is the testimony which I intend to receive first, Senator. In other words, I believe the Circuit Court, in that one matter at least, was pecific, and they said I should receive the testimony of the 1200 employees in accordance with the offers of poof. Now, that much of the decision is definite, and I think in line with the Court's decision, that is the testimony which I should receive first, and accordingly I am directing that order of proof.

Mr. Reed: We are in the middle of the examination of Wave Tobin. We insist respectfully that we are entitled

to proceed with that witness, and I call attention to the Examiner's ruling, which, as I understand it, is that he proposes now to regulate the order of proof, and to direct the Respondent how they shall put in their case. That, we [fol. 4079] think, deprives us of our right under the law, and that it is bad practice in any event.

Now, I call attention to this clause in the opinion -

Mr. Reed: (Reading) "The attitude of this Court toward the conduct of hearings by a trial examiner, we think, has been entirely consistent. In Cupples Co. Manufacturers v. National Labor Relations Board, 8 Cir., 106 F. 2d 100, 113, we made the suggestion that if a trial examiner would, 'within reasonable limits, permit each of the parties to the proceeding before him to prove his own case, in his own way, by his own counsel, charges of lack of due process for failure to accord a full and fair hearing couldreadily be avoided." Citing the Pittsburgh Plate Glass Company vs. National Labor Relations Board, "-we expressed the opinion that the practice which should be fold lowed by a trial examiner in taking evidence and ruling upon objections to evidence is that which applies to special masters in equity proceedings, and 'that the record should contain all evidence offered by any party in interest, except such as is palpably incompetent ***. We think that [fol. 4080] experience has demonstrated that in trial or hearing where no jury is present, more time is ordinarily lost in listening to arguments as to the admissibility of evidence and in considering offers of proof than would be consumed in taking the evidence proffered, and that, even if the trier of facts, by making close rulings upon the admissibility, of evidence, does save timself, some time, that saving will be more than offset by the time consumed by the reviewing court in considering the propriety of his rulings and the consequent delay in the final determina-tion of the controversy. One who is emable of ruling accurately upon the admissibility of evidence is equally capable of sifting it accurately after it has been received, and, since he will base his findings upon the evidence which he regards as competent, material and convincing, he cannot be injured by the presence in the record of testimony which he does not consider competent or material.

Lawyers and judges frequently differ as to the admissibility of the evidence, and it occasionally happens that a reviewing court regards as admissible evidence which was rejected by the judge, special master, or trial examiner. If the record on review contains not only all evidence which was clearly admissible, but also all evidence of doubtful admissibility, the court which is called upon to review the case can usually make an end of it, whereas if evidence was [fol. 4081] excluded which that court regards as having been admissible, a new trial or rehearing cannot be avoided. We say this in the hope of preventing a repetition of what occurred in the case now before us, and to obviate any misunderstanding as to what the attitude of this Court is with respect to the taking of evidence in a hearing/before a special master or a trial examiner."

"One of the most important safeguards of the rights of litigants and the minimal constitutional requirement, in proceedings before an administrative agency vested with discretion, is that it cannot rightly exclude from consideration facts and circumstances relevant to its inquiry which upon due consideration may be of persuasive weight in the exercise of its discretion."

Now, going back to the first clause, or nearly the first that I read, with regard to the Cupples Company Manufacturers' case, "we made the suggestion that if a trial examiner would within reasonable limits, permit each of the parties to the proceeding before him to prove his own case, in his own way, by his own counsel," now, we insist that in the orderly procedure, we have a witness on the stand, testifying to matters that are pertinent to the issues in this case, and that to deprive us of the right to finish that examination and to go on and put our case in, in our own way, is a denial of our rights under the law, [fol. 4082]—and so we ask we be permitted to proceed.

Trial Examiner Batten: Anything further? Well, of course, we understood Mr. Ingraham wanted to postpone the finishing of Mrs. Reed's testimony. I notice she is not here this morning.

Mr. Ingraham; No, Miss Tobin was on the stand.

Trial Examiner Batten: Well, I know, but you said, Mr. Ingraham, that the following morning you would be ready to proceed with Mrs. Reed, and on that basis I permitted Miss Tobin to take the stand for the balance of that day.

Mr. Ingraham: At the time that I said that, I didn't know that you were going to adjourn in the middle of Miss Tobin's testimony.

Trial Examiner Batten: Well, of course, irrespective of whether I did or didn't, you intended to be ready the next morning with Mrs. Reed, and finish with her, did you not?

Mr. Ingraham: Well, I didn't expect Miss Tobin would get off the stand. I thought we would finish with Miss Tobin.

Trial Examiner Batten: What made you think that when I told you, Mr. Ingraham, I wanted to continue at 2 o'clock with Mrs. Reed, and you asked until the following morning and I gave it to you. What make you think we would continue with Miss Tobin?

[fol. 4083] Mr. Ingraham: I didn't suppose Miss Tobin's testimony would be interrupted. When you have a witness on the stand, you usually complete the testimony. In regard to Mrs. Reed, I want to have my redirect examination when counsel for the Board and counsel for the Union state they have finished their cross-examination.

Trial Examiner Batten: Well, of course, I stated that they had completed, and the record will indicate that; unless, of course, counsel wants to recall witness, which privilege you all have:

Mr. Tyler: My objection, Your-Honor, to interrupting the cross-examination of Miss Tobin is already in the record as of the last day. It seems to me that it is improper to interrupt the presentation of the case by a party to the case, and arbitrarily say, "We will not proceed as you propose to proceed, but we will now proceed on

certain evidence that the Court of Appeals requires to be taken, but which that Court does not say, will be taken first."

It seems to me improper to break off any orderly proceedure of presentation and say? "From now on we will proceed to take this kind of evidence first." I think that objection is in the record as of the last day of our hearing.

[fol. 4085] Miss Weyand: I think it is proper for the Trial Examiner at this time to rule that we do not proceed with Miss Tobin unless counsel for the company would indicate where her testimony or any questions they might ask would be within the terms of the remand. As [fol. 4086] I recall, I objected from the very first questions which were directed to Miss Tobin, on the ground they were neither within the terms of the remand nor material to any issue in this case.

The excerpt which Senator Reed read from the opinion of the Circuit Court of Appeals must be read in the light of the later statement of the Circuit Court of Appeals, that the Trial Examiner did not err in confining the issues to those which were tendered by the compaint filed by the Board.

Therefore, the statement that counsel for the company should be allowed to try their case in their own way, and put on whatever evidence they chose clearly was not intended as the broad statement it first appears to be. The Court does uphold the Board and the Trial Examiner in certain exclusions, the exclusion of the testimony of Miss Wave Tobin which has been offered here; that is within the ruling of the Court, upholding such exclusions.

I therefore respectfully submit that the Trial Examiner is entirely proper in refusing to allow the counsel for the company to continue questioning Miss Tobin, unless counsel for the company should indicate that he will not follow the two lines of questioning opened up on Friday, but wishes to put her on the stand or continue with her on the stand for the purpose which is related to the issues of the case.

[fol. 4087] Mr. Reed: First, as to the point the Examiner raises that Mrs. Reed's testimony was to be taken up the next morning, I think if you will give that a little consideration you will arrive at a different conclusion. Mrs. Reed was cross-examined at great length and finally the Board's attorney and the I. L. G. W. U. attorney said they had no more questions to ask at that time, but clearly indicated that they might have other questions to ask. They did not close their cross-examination absolutely. There was some colloquy about it, and we insisted that they should either close their examination definitely or that we would not go into redirect examination, that we were entitled before going into redirect examination to know that the cross-examination was exided.

Now, it was at that point, with the witness excused as far as the cross-examiners were concerned, that Mrs. Reed left the stand.

We say now we do not want to put Mrs. Reed on the stand for redirect examination and then have the whole matter opened up again by further questions on cross-examination.

We then put Miss Tobin on the stand, summarily, statings I believe, that it probably would be a brief examination. We could not tell definitely, of course. And as the examination proceeded it became evident that other questions were pertinent.

Now, we insist and we propose, on our part—of course, [fol. 4088] we cannot do it if the Examiner refuses—to go on with the examination of Miss Tobin, and when we ask questions that are outside the issues of this case, the proper objections can be made, but we are not required to tell counsel what we intend to prove by this witness.

Trial Examiner Batten: I'think I stated the last day we met, Senator, that I did not intend to require it, as far as Miss Tobin was concerned.

We are ready to proceed in accordance with my ruling.
We will proceed with the employees, in line with the offers
of proof which were made and in line with the circuit
court's opinion.

Mr. Ingraham: Respondent excepts to your ruling. We will have to get the employees up here.

(Thereupon, pursuant to adjournment, the hearing was resumed at 2 p. m. and the following proceedings were had:)

Trial Examiner Batten: We will proceed.

Mr. Ingraham: I would like to call Wave Tobin to the stand.

Trial Examiner Batten: I think I ruled on that this [fol. 4089] morning, Mr. Ingraham.

Mr. Ingraham: Do-I understand the ruling this morning is limiting the testimony to the testimony of Donnelly employees?

Trial Examiner Batten: I don't think that was the ruling, Mr. Ingraham. You may read the record in the morning. I said I would receive first the testimony of the employees referred to by the circuit course in the offers of proof which I rejected.

Mr. Ingraham: Now, we have made other offers of proof besides the offers of proof of the employees. There are other offers of proof that were made at the last hearing besides those made on behalf of the employees.

Trial Examiner Batten: Yes, I think that is right.

Mr. Ingraham: Now, are we to be limited to the evidence that is covered in the offers of proof of employees?

Trial Examiner Batten: You are to be limited now to the 1,200 employees referred to by the court—why and how—the offers of proof made on behalf of those 1,200 em-[fol, 4090] ployees. That is the matter which I will hear first.

Mr. Ingraham: I want to call the Examiner's attention to the last paragraph in respondent's last chawer. It is Board's exhibit No. 1-LLLL.

Mr. Langsdale: What exhibit is that?

Mr. Ingraham: Board's exhibit No. 1-LLLL. Page

"Respondent further states"—I am reading from the answer—"that during all of the times mentioned in paragraph 11 of the Board's complaint the International Union, [fol. 4091] its officers, agents, and members were engaged in the said unlawful conspiracy against respondent set forth in section (B) of this answer and the matters set forth in said section (B) of this answer are by reference made a part specifically of respondent's answer to Paragraph 11 as though set out in bacc verbae."

Now, section (B) of respondent's answer was stricken out. Paragraph 11 of the Board's complaint remained in the complaint, and our answer to it remained in our answer; it wasn't stricken out.

Now, respondent offered to prove those facts which are in answer to paragraph 11 by the following witnesses: Nell Quinlan Reed, Elizabeth Reeves, R. J. Ingraham, John Bachofer, Marguerite Keyes, Inez Warren, Pauline Shartzer, Mary Sprofera, Nelly Stites, Ruby Rickett, Lyle Jeter, Raymond Smith, Effie Hall, George Couthen, Flora Ruden, W. D. Rosenfield, Gordon I. Gordon, Velma Dowdy, Meyer Perlstein, David Dubinsky, Wave Tobin, Sylvia Hull, and Ellen Fry.

That offer was rejected,

Trial Examiner Batten: You mean, subdivision B of your onswer!

Mr. Ingraham: Yes. Now, in order to proceed we feel that Wave Tobin's testimony is essential and that under [fol. 4092] the offers of proof we have a right at this time to examine her.

I would like to file an offer of proof.

[fol. 4093] Trial Examiner Batten: This will be Board's exhibit No. 1-SSSSS.

(Thereupon the offer of proof above referred to was marked "Board's exhibit No. 1-SSSSS" for identification.)

Trial Examiner Batten: Is there any objection to the receipt of Board's exhibit No. 1-SSSSS, an offer of proof and protest against the ruling the Examiner made this morning!

If not, it will be received.

Trial Examiner Batten: I will reserve my decision and ruling on it.

[fol. 4095] Mr. Reed: I want to call attention to this situation which has arisen:

Where contending that Wave Tobin continue on the witness stand and that her testimony should be heard before other testimony is called for. That is the situation.

Now, the Examiner rules that he will not rule at this time and directs us to go forward with other witnesses; he is going to reserve his decision. If the decision is not made at this time, then the effect of it will be that we will go on and hear these other witnesses and we don't have a ruling. I think we are entitled to a ruling now, so that we will know how to proceed.

Trial Examiner Batten: Senator, I ruled this morning that I was first going to hear the 1,200 witnesses which the court referred to and which offers of proof I rejected, and I have not changed that ruling.

Mr. Reed: You have not changed that ruling, but we have now file a paper here and we ask a ruling on it, and you say you will reserve that ruling. Of course, if you make the ruling after the damage, as we think, is done, that will do us no good if you then decide it in our favor.

Now, I don't think I will be able to change your mind, but I want to make this observation, that in the orderly procedure in courts of justice—and I have been there a [fol. 4096] good many years—and as said by the Court of

Appeals here in its quotation from another eminent authority, it is the right of a litigant, through its counsel, to put its evidence in in the order it sees fit, and the only question is whether the evidence is competent. The order of proof rests with the person proffering the proof.

Now, this proceeding that we are now talking about I have never seen in any court, at any time, where a judge undertook to say in what order you shall put on your testimony.

We offer it, and if it is incompetent, of course you can rule it out, but you cannot tell us, under any rule of law that I ever heard of, the order in which we shall proceed with our defense in this case.

Trial Examiner Batten: Senator, the only difference I see is that this is a remand, and I am making an effort to comply with the desire of the circuit court, and for that reason I made the ruling.

[fol. 4099] OMA LEE COOPER, a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Direct Examination

Mr. Ingraham: Will you please state your name?

A: Oma Lee Cooper!

Mr. Langsdale: Spell the first/name,

[fol. 4100] A. O-m-a (Spelling).

By Mr. Ingraham:

Q. Are you employed, Mrs. Cooper? A. Yes.

Q. Where! A. The Donnelly Garment Company.

Q. When did you start working for the Donnelly Garment Company? A. January 9, 1936.

Q. And in what position do you work there?

A. I am an operator.

Q. On a sewing machine! A. Yes.

[fol. 4101] A. My married name was Holloway.

[fol. 4102] By Mr. Ingraham:

• Q. Mrs. Cooper, were you employed at the Donnelly Garment Company in the month of April, 1937!

A. I was.

Q. Do you recall attending a meeting the latter part of that month, a meeting of Donnelly employees?

A. Yes, I did.

Q. Was that meeting on or about April 27th, 1937?

A. Well, it was along the last of April, I don't remember the date.

Q. What occurred at that meeting?

A. Well, it was a meeting where Mr. Tyler came down and told us he had looked up the law, and we could form our own union if we wanted to, and a vote was taken whether or not we should form our own union.

Q. Now, prior to this time what had been occurring in

Kansas City in other garment plants?

A. A lot of strikes and violence, and things like that.

Q. Where was this meeting held?

A. On the second floor of the building.

Q. When was it held?

A. Well, it was after working hours. I don't remember just the time.

Q. Were a large number of employees there?

A. Well, I believe most of them were there. I know the floor was crowded.

[fol. 4103] Q. Did any officer, executive or anyone that you thought was representing the management talk to you about the meeting?

A. No. The girls, some of them that I ate with, told me in the lunch room there was to be a meeting and to be sure I attended that night, and told me to tell the other girls that I saw, so that is what I done.

Q. Now, did you vote at that meeting?

A. Yes, I did: I voted orally and then by a card that they gave us. They said if we didn't want to make up our minds then whether or not we wanted to join the union, we could put our name on there later.

Q. What, if anything, had been discussed with refer-

ence to any union at that particular meeting?

A. I don't understand you.

Q. Well, had anybody discussed the formation of a union with you?

A. Well, yes, we all discussed it there. The girls got up and offered their opinion as to whether or not we should form our own union, and Mr. Tyler said he found out that if we wanted a union we were within the law to form our own union, but we didn't have to without we wanted to.

Q. Now, did you say you voted in favor of forming the

union? 'A. I certainly did.

Q. What were your reasons, Mrs. Cooper, for voting in a [fol. 4104] favor of forming your own union, the Don-

nelly Garment Workers' Union?

A. One reason was I didn't want to join any union that would resort to violence to get women to join our union; I thought there would be other ways to present it to us without pulling hair.

Q. Whom were you referring to? .

A. The International Ladies' Garment Workers' Union.

Q. Was there any other reason that you had for voting in favor of the Donnelly Garment Workers' Union?

A. Yes, we thought since we were in the factory and knew how it was run, we thought we were more capable of running our union than some outsider. We knew then if they didn't live up to the contract it was within our own power to make them live up to it, and we wouldn't have to go to some outsider to have it done.

Q. Now, prior to that meeting, had anyone, any officer, executive, or anyone representing the management suggested to you or suggested to anyhody else in your pres-

ence that the employees form a union?

A. No, no executive of the company ever talked to me or ever said anything in my hearing about any union at all, whether we should or should not join any union.

Q. Did anybody that you thought was representing the management say anything to you?

[fol. 4105] A. No, they didn't:

Q. Now, was this a Loyalty League meeting?

A. No, it was not. We weren't discussing any dances or parties, or anything.

Q. Did anybody ask you to come to the meeting because it was a Loyalty League meeting?

A. They certainly did not.

Q. Was anything connected with the Loyalty League discussed at the meeting? A. There was not.

Q. You referred to certain strikes going on at other plants. I hand you Respondent's Exhibit No. 16 and ask you if you read or saw the pictures in the March 18, 1937, edition of the Kansas City Times, and read the article on the following page that was in that edition of the Times?

A. I certainly did.

Q. What effect did that article have upon you, Mrs.

Cooper?

A. Well, it made me mad to think that things like that could happen in this city. We hadn't been used to seeing things like that at all. We just didn't like it, that was all, and we were afraid maybe every night we went home from work, or every night we would go out, they would be standing around in front of our building ready to tear our clothes off, or something.

Q. Did you say threats were made against the Donnelly

[fol. 4106] employees?

A. Yes, we heard them every day. -

Q. What was the nature of the threats?

A. They said we were going to be next, and it wasn't

anything to what we were going to get.

Q. I'll hand you Respondent's Exhibit No. 18, which is the front page of the March 17, 1937, edition of the Kansas City Journal-Post and ask you if you noticed that article in the paper? I am referring to the article in regard to the garment strikes.

A: I read the article.

Mr. Ingraham: What was going on at the time of those other strikes?

[fol. 4107] A. They were having strikes and hair pulling and refusing to let women that wanted to go to work, refusing to let them go to work.

By Mr. Ingraham:

Q. Did they have any sit-down strikes?

A. I think the papers said there were some sitting in the halls; I don't remember of any incidents where they sat down in the factories; I don't remember everything I read.

- Q. Now, this article that you just referred to was dated March 17. I'll hand you Respondent's Exhibit 19, which is the second page, part of the second page of the Journal-Post for March 18, 1937, and ask you if you saw and read that article.
 - A. I think I read this one.
 - Q. That was dated March 18, 1937?
 - A. I am sure I read that one.
- Q. Now, was there any meeting of employees held on or about that date?
 - A. Yes, we had a meeting.

Mr. Langsdale: What date is that?

A. The employees were all worried and everything; I believe they did call a meeting about the 18th of March. I know it was one of the first weeks in March, the first part of March.

Q. What caused the employees to call a meeting?

A. Well, they were worried and nervous and they wanted to talk it over with someone to see what they [fol. 4108] could do about this.

Q. Had these newspaper articles come to the attention

of the employees?

A. Yes; several of them brought them to work with them and when we hadn't read them, of course, they showed them to each other, and they talked about it, and they were all really upset and nervous.

Q. Was there anything else reported besides what was

in the newspapers?

- A. Yes, some of the girls said the union had been out to their house and had been threatening them, trying to make them join the union, and they had heard a lot of other people come from up there say that they were making threats against our company.
- Q. Had any of the employees said they had seen any violence at these other strikes?
- A. Yes, several of them had, you know, had come on past there to come to work, quite few of them, in fact, I think.
- Q. Now, do you recall where this meeting of March 18th was held?
 - A. It was held on the second floor in the building.
 - Q. Do you recall what time of day?

A. Well, it was after working hours. I don't remember just what time the working hours were. It was after four or five, anyway, I know, it was after we quit work.

[fol. 4109] Q. How did you happen to go to that meeting?

A. Well, we had been talking about it all week, and we all decided on that special date to have the meeting.

Q. Did any of the employees at that meeting talk about

what might be done to protect the employees?

A. Yes, there were several discussions about that, and some of them went out and got Mrs. Reed to come in and speak to the girls to see what the company was going to do; they demanded that we find someone to seek legal counsel to see what we could do to protect ourselves.

Q. Do you recall who was requested to seek legal

counsel?

A. Miss Todd was one of them. I don't remember any of the others, but I know there were several more that went with her.

Q. Well, do you recall whether Mrs. Reed came to the meeting?

A. Yes, I do.

Q. What did Mrs. Reed do after she got to the meeting?

A. Well, she went up on the platform, they cleared a space for her, and she went up on the platform and made a speech.

Q. Did Mrs. Reed say that she was going to close her plant if it was unionized?

A. No, she didn't.

Q. Did Mrs. Reed say that she was not going to allow

Dubinsky tell her how to run her business?

A. No, she didn't. She said she wasn't going to let [fol. 4110] Dubinsky force her into any union that they didn't want to belong to.

Q. Was Mrs. Reed at the meeting very long?

A. Oh, about 10 minutes, I judge, or 15, not any longer than that.

Q. Did Mrs. Reed read a letter at that meeting?

A. She did not.

Q. Was that meeting a Loyalty League meeting?

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A. It was not.

Q. Did you go to that meeting because you were a member of the Loyalty League?

A. I did not.

Q3 Why did you go to the meeting?

A. I went for the same reasons the others did, that I was auxious to find out what we were going to do, what we could do to protect ourselves.

Q. To protect yourselves against what?

A. The violence that was occurring at these other plants in Kansas City.

Q. Who was committing that violence?

A. The International Ladies' Garment Workers' Union was.

Q. Now, was anything discussed at that meeting with regard to the employees forming a union of their own?

- A. No, the union was not discussed at all at that meeting. The only thing that was discussed in regard to anything [fol. 4111] legal was getting a lawyer or going to see someone about what we could do legally to protect ourselves, and get advice on what we should do.
- Q. Did someone suggest that lawyers might be able to bring an injunction suit?

A. Yes, I believe it was suggested.

Q. Now, did anyone representing the management suggest to you that you go to those meetings?

A. No, they didn't. It was just the girls themselves,

the operators; my section was the one that told me.

- Q. Did you have any discussion or hear any discussion between an official or executive or anyone representing the management that the employees should hold such a meeting?
 - · A. No, sir, I didn't.

Q. Now, was anything said about buses bringing the

employees to work?

A. Well, Mrs. Reed said she would see if she could arrange for some kind of buses or something, to take the girls a part of the way home, and bring them to work, and that was later done. It was not elaborated on, but, you know, she said that she would try to have something done to bring the girls to work.

Mr. Reed: Was that done!

A. Yes, it was.

By Mr. Ingraham:

Q. And that was later done, was it not? [fol. 4112] A. Yes, sometime the following week or within the next day or two, I think it was.

Mr. Langsdale: What was later done?

By Trial Examiner Batten:

Q. Did they get the buses?

A. Yes.

By Mr. Ingraham:

Q. Do you know whether Rose Todd or any other employees did consult lawyers?

A. Yes, they did.

Q. When next did you hear anything about that?

A. Well, another meeting was called, I believe it was called by Miss Todd, to tell us she had seen a lawyer, and that they wanted a \$500.00 retainer fee, before they would have anything to do with the case, and the amount of money was taken up there, and what was not, they took it up the next day, 50c each for all the employees; part of it was taken up there that night and the ones that had it gave it then and the rest of it was given the next day.

Q. Did you attend that meeting as a member of the

Loyalty League?

A. I did not.

Q. Was it a Loyalty League meeting?

A. It was not.

Q. Did you make the contribution of 50c to the Loyalty League?

A. I did not. I made that to pay the lawyer.

[fol. 4113] Q. Was the lawyer to represent the Loyalty League or the employees?

A. The employees.

Q. Now, at any of these meetings that you have described did your instructors request you to attend the meetings?

A. No, they did not.

Q. Did they discuss with you about the meetings?

A. No, they didn't.

Q. Did your instructors herd all the girls in your section down to any of those meetings and tell them to stay

together so they could go back to work?

A. They did not, because it was after working hours. We didn't have to go back to work. Most of us were dressed. Some of the girls that got off later came down in their aprons, but I know most of the girls in my section were dressed.

Q. I hand you Respondent's Exhibit 19 — no. I have shown you that exhibit — I hand you Respondent's Exhibit No. 20, which is the front page of the Journal-Post for March 22, 1937, and ask you if you recall seeing that

article.

A. I read the article.

By Mr. Ingraham:

Q. I'll-hand you Respondent's Exhibit No. 21 and ask [fol. 4114] you if you read the article in that edition of

the Kansas City Journal-Post?

A. I think I read this one, I am not sure. The girls always brought them up to work. I didn't take the Post myself, but most of the articles that run in the Post the girls that do take it, they brought them down to work and we read and discussed the articles.

Q: Why did you read them?

A. We were interested, after all, we worked in a garment factory too, we were very much interested, because we never knew what would happen in our place.

Q. I'll hand you Respondent's Exhibit 22 and ask you if you read the article that appears on the front page of

the Journal-Post for March 25, 1937.

A. I read that one.

[fol, 4115] Q. I will hand you respondent's exhibit No.
23 and ask you if you read that article, appearing in the
Kansas City Journal-Post, March 27, 1937!

A. I read that one, too.

Q. I hand you respondent's exhibit No. 24 and ask you if you read that article that appeared in the March 31 edition of the Journal-Post!

I read that one.

By Mr. Ingraham:

Q. I hand you respondent's exhibit 25 and ask you if you recall reading that article, dated March 19, 1937, of the Kansas City Times.

A. I read this article. [fol. 4116] Q. I will ask you if you read respondent's exhibit 26, which is an article in the Kansas City Times of March 23, 1937.

A. I read this one, too.

Q. I will ask you if you read respondent's exhibit 27, which is the front page of the Kansas City Star for March. 17, 1937.

A. I read the article.

Q. I will ask you if you read respondent's exhibit 28, which is an article appearing in the Kansas City Star for March 22, 1937. -

A, 'I read this one.

I will ask you if you read respondent's exhibit 29, which is an article in the Kansas City Star of March 25, 1937.

A. I read the article.

Q. What was your interest in reading these articles,

Mrs. Cooper?

A. I think it is only natural that we would be interested in them, since we were working in a garment fac-[fol. 4117] tory. We were afraid they were going to come down and do the same thing to us. They had made threats against the company and us, and naturally we were interested.

Q. Were these articles the subject of conversation at the plant among the employees?

A. They certainly were. They were all brought down to work and the ones who hadn't read them would read them before they went to work or at their lunch hour. The girls were so upset they wanted to—you know—talk it over with each other.

Q. I will hand you respondent's exhibit 30, which is an article in the Kansas City Star of March 30, 1937, and ask

you if you read that article.

A. I read this one.

Q. I will ask you if you read respondent's exhibit No. 31, which is an article appearing in the Journal-Post for April 5, 1937.

[fol. 4118] A. I read that fine, too.

By Mr. Ingraham:

Q. I will ask you if you recall reading the article in the Journal-Post for April 6, 1937, which is respondent's exhibit No. 32.

JA. I read it.

Q. I will ask you if you recall reading respondent's exhibit 33, which is an article in the Kansas City Journal-Post for April 7, 1937.

[fol. 4119] A. I think I read that one:

Trial Examiner Batten: You say you think you did?

A. I think I did, I am not sure; I read most of them.

By Mr. Ingraham:

· Q. What effect did the reading of these articles have on your state of mind with reference to the I.L.G. W.U.?

A. Well, it made me absolutely sure I didn't want any part of it, and I didn't want to have anything to do with anybody that had such ideas about organization as that, coming out and tearing hair and tearing women's clothes off of them, and I didn't think that was the right way to organize anything; I thought if you wanted to join the union

that was your privilege, but I didn't think someone had to beat it into you that you had to join. I thought this was a free country, and that you were supposed to be allowed to do things you wanted to, and not let some other company come in and tell you what you had to do, and get your clothes torn off, or something like that.

Q. What was the effect of the reading of these articles on other employees at the time, so far as you could ob-

serve?

A. Well, they all felt the same way I did. They thought it was absolutely ridiculous. It was talked of over the plant what we would do in case they came down to our place, and, you know, they all felt—they all knew they didn't want any part of it.

[fol. 4120] Q. I hand you Respondent's Exhibit No. 34 and ask you if you recall reading this article that appeared in the Kansas City Journal-Post on April 10, 1937, which is entitled, "Garment Unions Get Closed Shop in Three

More Plants".

A. I read this article.

Mr. Ingraham: What effect did that article have on you?

A. Well, we just compared what they were asking for and what we already had. They were asking for—they signed their agreement for \$13.00 a week minimum for 40 hours a week, and the lowest price paid in our factory was already \$15 for 40 hours a week.

Mr. Ingraham: I'll hand you Respondent's Exhibit 35, which is an article in the Kansas City Journal-Post for April 22, 1937, and ask you if you read that article.

[fol. 4121] A. Well, I read this article.

Mr. Ingraham: Well, what effect did that have on you?

A. Well, I was surprised, because we hadn't even elected a delegate at all for any convention, let alone one for the International Ladies' Garment Workers' Union, because to our knowledge we didn't have any members in there, at least I hadn't heard of any at that time.

Mr. Reed: She said she didn't have any members in there: What was that?

A. In our plant, in the Donnelly Garment Company.

Mr. Reed: Didn't have any members in what?

A. In the International Ladies' Garment Workers' Union.

Mr. Ingraham: Did that have anything to do with your deciding to vote in favor of forming the Donnelly Garment Workers' Union?

[fol. 4122] A. Well, yes, it did. I decided for myself it would be a good thing if we had our own union, then somebody couldn't get up and say they were elected as our delegate to conventions. We knew that if we had our own union, we would have something to say about who should be our delegates and who shouldn't be.

[fol. 4123] By Mr. Ingraham:

Q. Mrs. Cooper, had you or any other employees, to your knowledge, selected Sylvia Hull as your representative to go to the International convention and ask for a strike in the Donnelly plant?

A. I know I didn't, and I didn't hear of any other girls

in the plant that did. I didn't even know her.

Q. What was the effect on other employees, so far as

you could observe, of that article?

A. They were indignant, that anyone would take it on themselves to say that they were our representative when there hadn't been anyone at all chosen:

Q. Did you want a strike in the Donnelly plant?

A. I certainly did not. We have never had any reason to strike.

Q. Were your wages higher than those paid in garment plants that had contracts with the Ir L. G. W. U.?

A. They certainly were. We had a \$15 minimum, and most of us doubled that most every week—sometimes a lot more than that.

Q. I will hand you respondent's exhibit No. 36, which is an article in the Kansas City Star of April 7, 1937, and ask you if you read that article.

[fol. 4124] A. I read this article.

Q: I-hand you respondent's exhibit 37, which is an article in the Kansas City Star, April 8, 1937, and ask you if you read that article.

A. I read this article, too.

By Mr. Ingraham:

- Q. State whether or not there were discussions among the employees of the Donnelly plant at that time that the violence engaged in by the International forced the Gernes, Missouri, and Gordon companies to sign up with the International.
 - A. Yes. We discussed it very freely in the plant.

Q. Was that the opinion of the employees, that those companies were forced to sign up?

A. That is right, it was. Some of the girls knew the other girls and they said they didn't join it because they wanted to but because they had to in order to hold their jobs.

[fol. 4125] Mr. Ingraham: I will hand you respondent's exhibit 38, which is an article appearing in the Kansas City Star, April 12, 1937, and ask you if you recall reading that article.

A. I read the article.

By Mr. Ingraham:

Q. Did Mr. Tyler, at the meeting where the union was formed, discuss the Wagner Act?

A. He did. He said he had studied the Wagner Act and we could form our own union if we wanted to—select

our own representatives, and all the rest of it.

Q. I will hand you respondent's exhibit 6 in the Circuit Court of Appeals record, page 4864, and ask you if you remember reading this article, which appeared in the Kan-[fol. 4126] sas City Press on February 26, 1937.

A. . I read the article.

[fol. 4127] Mr. Ingraham: Did you read the next page? It is on two pages.

A. I read it.

By Mr. Imgraham:

Q. After this article appeared in the Kansas City Press on February 26, 1937, announcing—the heading of the article was "Reopen A Garment Feud. Union plans to seek Donnelly Company's Recognition." What, if anything, did the employees do several days after that?

A. Well, one thing they done was to get up a petition to present to Mrs. Reed to tell her that we didn't want her to sign with the union, that we didn't want anything to do with it; we knew those things they were saying about the company were not true and we were oval to her.

Q. Do you know who circulated the petition?

A. Mary Sprofera and Inez Warren brought it up on the eighth moor where I was working. They brought it up there and it was passed among the girls in the section. Then, the girl on the end of the section got up and took it over to the next section. That is the way it got over the eighth floor.

[fol. 4130] Q. Did the pethion that you signed on March 2, 1937, have the same language that appears at the top of the first page of I. L. G. W. U.'s exhibit No. 10?

A. Yes; to my recollection, that is the exact words.

Q. Where did you sign this petition?

A. At my machine.

Q! Did any official, executive, or representative of the management request you to sign the petition? [fol. 4131] A. No, they didn't. I don't think they even knew it was in there. If they did, they didn't say anything. It was brought up on the floor by those two girls, Inez Warren and Mary Sprofera, and when it got to the end of the section the girl at the end of the section got up and took it over to the other section, and it went over the floor that way. And I think someone took it down to another floor.

Q. Did the instructor ask you to sign the petition?

A. No, she didn't.

Q. Why did you sign the petition?

A. Because we wanted her to know that we were contented with our working conditions and the way she treated us, and we also appreciated the fact that we had higher wages than any other garment factory in Kansas City, and we didn't want her to sign with any outside union—International Ladies' Garment Workers' Union.

Q. You, as I understand, stated that the petition was

handed from girl to girl in your section?

A. It was.

Q. Will you state whether or not it is a common practice for employees to pass papers through the section from girl to girl?

A. It certainly is.

Q. What is generally the purpose of sending anything through the section?

[fol. 4132] A. It could be most anything, from a house to rent, riders wanted, eggs for sale,— A certain girl has chickens she sells every week up there, and if she has any extra ones she sends a note through that she has so many chickens, at so much a pound, and sends it through the plant. Another girl might have a room to rent. And at Christmas time some of the girls have cards to sell. One girl, every Christmas, sells shelled walnuts by the quart up there. There is always those notices sent through the factory and no one ever says anything about it.

Q: Has that been the case during the entire period since

you worked for the Donnelly Company?

A. It has.

Q. When notes are sent through, do the instructors necessarily know that they are going through?

A. There's a lot of them goes through that they don't

know about.

Q. Have you noticed notices on the bulletin board that referred to some private interest of an employee?

A. Just the other day I saw one on there that said someone wanted five passengers from a certain point to the factory at a certain time in the morning. And I saw one the other day where a girl had a house for rent. You can see them on there any time you want to look at the bulletin board—all kinds of messages on there—someone lost their

glasses, and one day I saw one where they had a Boy Scout [fol. 4133] belt for sale.

Q. Do you know whether or not notes have been sent by individual employees to some other employee on a different floor by a bundle boy?

A. I send them all of the time down to my sister. She

works on two.

- Q. Did you ever send any notes that had any reference to any union activities?
 - A. I never did.

Q. These notices on the bulletin board, have they had any reference to—I mean the individual notice that some employee puts up on the bulletin board, do they generally refer to any union activity?

A. No. I don't believe I ever saw one at all that did. They used to post notices on there of the union meetings, but I think they usually have those in the elevator now, or

down the hall. .

Q. Did you gain the impression from anyone at the Donnelly plant that this March 2 petition was being circulated at the request of or on behalf of the management?

A. No, I didn't. It was a voluntary movement by the

girls themselves.

Q. Did you ever hear anybody say that Mrs. Reed

wanted the petition circulated?

A. No. I always understood she didn't know anything about it.

[fol 4134] O. That is, prior to the time it was delivered.

[fol. 4134] Q. That is, prior to the time it was delivered to her?

A. That is what I mean.

- Q. Did you feel that if you failed to sign the March 2 petition that you would be in any way discriminated against or penalized by the company?
 - A. No, I didn't.

Q. Did you sign it of your own free will?

- A. I certainly did, because that was my feeling about the matter.
- Q. Did any instructor or any representative of the management ask you to sign it?
 - A. They did not.
- Q. Was there any coercion, suggestion, or influence of any kind brought to bear on you by the management or any

body that you felt was speaking for the management to cause or induce you to sign the petition?

Why, no. A.

Q.. Did the statement express your sentiment

It certainly did.

Did you understand or hear from any source that the petition was being circulated by the Loyalty League?

A. No, I didn't.

Was there anything said about the Loyalty League.

when the petition was handed to you?

A. There wasn't anything said at all. The girl just [fol. 4135] handed it to me, and I read it and signed it.

And what did you do with it?

A. Passed it to the girl sitting next to me, or probably across the board from me.

Now, did you belong to the Loyalty League?

Yes, I did.

Q. I will hand you respondent's exhibit No. 40 and ask you to state what that is.

That is a Nelly Don Loyalty pin.

Is the word "Loyalty" written at any place on that Q. pin?

No, but that is what the "L" stands for. A.

But the word itself is not written on it? Q.

No.

Mr. Langsdåle: May I see it?

(Thereupon respondent's exhibit No. 40 was handed to Mr. Langsdale by Mr. Ingraham.)

Mr. Ingraham: I offer in evidence respondent's exhibit No. 40.

Trial Examiner Batten: No objection! It will be received.

[fol. 4136] By Mr. Ingraham:

I believe you stated you were a member of the Lovalty League?

Yes, I was.

What were the activities of the Loyalty League?

A. It was a social organization. We organized dances, some few plays, and things like that, and picnics.

Q. Did you pay any dues?

A. No. When they had a dance they sold tickets; or for any social activities they had, they sold tickets in the factory to take care of the cost.

Q. Did you ever hear that the Loyalty League was a union organization?

A. No, I didn't.

Q. Did you ever know or hear that the Loyalty-League represented the employees, concerning their terms and conditions of employment?

A. No. That wasn't the understanding they gave me

when I joined.

Q. Did you ever hear of the Loyalty League doing anything like that?

A. No. I didn't.

Q. Did you ever know of its having any dealings at all [fol. 4137] with the management?

A. No. I didn't.

Q. Did you gain the impression from any source or did you understand that the Loyalty League had anything to do with the formation of the Donnelly Garment Workers' Union?

A. No, I didn't. It was never mentioned.

Q. Did the fact that Rose Todd was president of the Loyalty League and presided at the March 18 meeting make you feel that the March 18 meeting was a Loyalty League meeting?

A. No, it didn't. The girls asked Miss Todd to seek this legal advice for us.

[fol. 4138] By Mr. Ingraham:

Q. With reference to Mrs. Reed's speech at the March. 18 meeting, did she make any statement as to the employees joining or not joining any union?

A. She said they could join if they wanted to, she didn't have anything to say about whether or not they joined a union.

By Mr. Ingraham:

Q. Did you feel that the March 18 meeting was an antiunion meeting that had anything to do with whether or not you had the right to join a union or did not have the right?

A. No.

Q. Did you feel that you could not express your independent views at that meeting if you wanted to?

A. No, I didn't.

Q. Now, did the fact that Rose, Todd presided at the April 27 meeting, when the Donnelly Garment Workers' Union was formed, influence you into believing it was a Loyalty League meeting?

A. No, we knew it was not a Loyalty League meeting.

[fol. 4139] Q. What kind of a meeting was it?

A. It was just a mass meeting of the employees.

Q. And you weren't there because you were a member of the Loyalty League?

A. No, we were not.

Q. Was there any coercion or pressure brought on you by the Loyalty League or its officers to cause you to join the Donnelly Garment Workers' Union!

A. No, there was not.

[fol. 4140] Q. Did you regard Rose Todd as a boss or a supervisory employee?

A. No, Rose didn't have any supervisory position as far as I know; none of the girls even thought she did.

By Trial Examiner Batten:

Q. Of course, the question was what you thought.

A. No, Midn't think she did.

By Mr. Ingraham:

Q. Did you have the feeling that she was representing the management in any activities that she was engaged in, with regard to the Donnelly Garment Workers' Union?

A. No, I didn't.

Q. Did you consider that whatever she said about the unions was the views of the Donnelly Garment Company?

A. No, I didn't.

Q. Did you feel any compulsion or coercion in your choice of a union as a result of anything that Rose Todd [fol. 4141] did or said?

A. No, I didn't.

Q. Did you feel free to differ with Rose Todd any time you wanted to?

A. Why, certainly; that is what the Wagner Act says,

that we could make our own choice.

Q. What time did you state you went to work for the Donnelly Garment Company?

A. January 9, 1936.

Q. Who was in charge of the factory at that time?

A. Lee Baty.

Q. Is he still in charge of the factory?

A. Yes.

Q. Did the instructors, any instructor under whom you worked ever exercise any authority of hiring or firing or disciplining girls?

Miss Weyand: I object to the question as not within the scope of the offer of proof upon which we have the remand,

Trial Examiner Batten: Well, is it, Mr. Ingraham?

Mr. Ingraham: Yes, I think it is.

Trial Examiner Batten: Which offer of proof?

Mr. Ingraham: Well, I'll get the offer out. .

Trial Examiner Batten: Well, I think we had better keep them out where they will be handy. Do you have that, [fol. 4142] Miss Weyand?

Miss Weyand: I have all the offers here. There are a number of offers. You can look over the ones I have, if you have that in mind, what you want to see.

Trial Examiner Batten: Yes.

Miss Weyand: This is the main one.

Trial Examiner Batten: Well, I am not so sure that this does not cover it, Miss Weyand. For instance, there are several places in here which state that these people would testify that neither directly nor indirectly did any one representing the management have anything to do with the formation of the Donnelly Garment Workers' Union calculated or intended to influence the membership of the company employees.

Miss Weyand: Does that raise the question as to whether these persons can give their opinion of the status of anyone in the plant including the instructors?

Trial Examiner Batten: Well, I wouldn't say an employee who is in a sewing section can give her opinion about the general manager or Mrs. Reed or the office manager, but I do think that an operator who works in a section under an instructor, a specific instructor, that she certainly is in a position to say what she thinks her relationship to that instructor is.

Miss Weyand: Well, I don't think the offer opens any question of the opinion of the witness as to the instructors' [fol. 4143] supervisory authority. I think the record has already been made on that and I did not understand the terms of the offer to be directed towards whether or not the instructor was a supervisor. As I understand the offer, it is worded that neither anyone representing the management nor any instructor doing the thing was in question. It is my view the offer does not open up the question as to whether or not the instructor was or was not a person who spoke on behalf of the management, within the terms of the Wagner Act.

Trial Examiner Batten: If they offer to prove no one connected with the management, directly or indirectly, had anything to do with the formation of the Donnelly Garment Workers' Union —

Miss Weyard: (Interrupting) They also offer to prove no instructor did it, in both sentences there, so I don't think the offer is opened up as to whether the instructor was, in the opinion of this witness, a representative of the management.

Trial Examiner Batten: Well, you are assuming, then, that question is a closed matter, is that it?

Miss Weyand: I am assuming that is not to be covered by the remand, that this offer was not directed at it, and that the Court did not intend to open that up by this remand. Trial Examiner Batten: Well, then, my question to you [fol. 4144] is, if that is the case, doesn't that put the Respondent in a position where the Respondent, in questioning the employees, then, could only say, "Did that instructor belong to the Donnelly Garment Workers' Union, or did your instructor have anything to do with its organization"?

Miss Weyand: That is correct.

Trial Examiner Batten: And the question at to whether or not the instructor is a supervisor, that is a closed issue, is that your position?

Miss Weyand: That is my position.

Trial Examiner Batten: Mr. Ingraham, what have you to say, if anything?

Mr. Ingraham: Of course, we have the right to go into the matters that come within these offers of proof, and repeatedly in the offers of proof, we recite that instructors, not supervisory employees, did not influence these people.

Trial Examiner Batten. I don't find that. Where is that in the offer of proof?

Mr. Ingraham: Look at page 3460.

Trial Examiner Batten: Well, I don't have that page, but I happen to see it on page 3466. What page did you say it was?

Mr, Ingraham: 3460 in my record.

[fol. 4150] Trial Examiner Batten: I think last night when we adjourned you had asked this witness a question, "Did any instructor under whom you worked ever exercise any authority of hiring or firing or disciplining girls?" I presume you meant by that question as far as this witness knows, her experience in that regard.

Mr. Ingraham: That's right.

By Trial Examiner Batten:

Q. You may tell us.

A. No, I never saw them exercise any authority over any girl at any time.

O. Well, you mean -

A. (Interrupting) Or hire or fire.

Q. You mean from the time you started to work down to today, is that what you mean?

A. Yes, down to today.

[fol. 4151] By M. Ingraham: ~

Q. Mrs. Cooper, from the time that you became employed with the Donnelly Company until August of 1939, did you at any time consider an instructor your boss?

A. No, I understood when I went there — I was told that the instructor was not the boss, that their job was to

instruct, and that is all I ever saw any of them do.

Q. By "instruct" what do you mean?

A. They sit down at the machine and show the girl how to work, and if the girl does not understand it, why, she explains to them just how the work is done, and sees that it is done right, and also she brings them their work and their samples, and things like that.

Q. Have the telephones been used, to your knowledge,

by the employees?

A. They are always used by the employees, they always have been since I have been in the employ of the company.

Q. And the company has placed no limitation on the use

of the telephones?

[fol. 4152] A. No, they haven't.

Q. Now, do you know whether or not it is a fact that employees have at times used sewing machines to sew on their own dresses?

A. I know hat they have, because I have [saw] them do it, they have even used company trims and thread and buttons to go on them.

Qe That was true before the union, the Donnelly Gar-

ment Workers' Union, was formed?

A. It was.

Q. And the use of the telephones?

A. It was.

Q That occurred prior to the time the Donnelly Garment Workers' Union was formed? A. It was.

Q. Will you state whether or not you joined the Donnelly Garment Workers' Union of your own free will?

A. I did.

Miss Weyand: I would like to make a statement in connection with that question. While we are here to take such evidence under the remand of the Court, it is my position that the question is one which should not properly be directed to the witness. I am, of course, acquiescing in the Circuit Court of Appeals ruling we do take such evidence, but I would like to make a statement for the record, of my position on that question.

[fol. 4153] I think such questions are improper in a Labor Board hearing, in the first place because they violate the principle of a secret election stated in Section 9 of the Act. The Congressional intent there expressed was clearly that employees should not be required to disclose in the presence of their employers or any representatives of the employers or in the presence of anyone else, if they did not so desire, whether or not they favored one union over another union.

To ask an employee who is still employed by the employer, in the presence of employer's representatives, whether or not she favors a given union, violates the principles of secret elections. I think the question is improper for a second reason, that is because the Board's inquiry in a Labor Board case is whether or not the employer interfered, restrained or coerced employees. The Congressional intent is clear that that inquiry is directed to whether or not the employer did certain acts, which normally and reasonably have the effect of interfering with, restraining or coercing.

It is not the Board's job to inquire whether or not the restraint, interference or coercion actually had that effect on any given employee. The Board is not required to look into the minds of the employees and see if any one or more employees are actually interfered with, restrained or coerced.

The Courts have repeatedly held that espionage, even [fol. 4154] though unknown to any of the employees, con-

stituted interference within the meaning of the Act and has held immaterial that no employee knew he was being spied upon, and it was held immaterial that the employer had not used the information that he received through the espionage for the purpose of depriving the employees of other rights in the Act.

There is a third reason why I think the question is improper in a Labor Board hearing, and that is that the proof, if we can assume it is proof, that any employee was not interfered with, restrained or coerced, has no weight or bearing upon whether or not any other employee was restrained, interfered with or coerced. That is a general proposition, that negative evidence does not establish the absence of affirmative evidence in other instances.

It is the Labor Board's duty only to show the acts of the employer are the type that interfered with, restrained or coerced; that if in this case, where the prior evidence shows the employer has interfered with, restrained and coerced certain employees, the fact they may provide many witnesses who think they were not interfered with, restrained or coerced has no bearing on whether other employees were interfered with, restrained or coerced.

For a fourth reason, I think the question is improper because of the unreliability of introspective inquiries. By reason of the very nature of the subject matter, the [fol. 4155] employees who have been the subject of unfair labor practices really become so interfered with or dominated that they do not know their own minds, even assuming they were able to speak in the presence of the employer freely. It is our position they cannot speak freely in the presence of their employer, and if they have been, for long years, under the interference, restraint and coercion of their employer, their state of mind is one which they cannot provide a fair introspective account of their own state of mind, because the domination, interference and restraint which the Act presupposes goes to the coloring of the employee's point of view, so he cannot look into his own mind and state what his position would have been if he hadn't been subject to this economic power which has been exercised over him unfairly by the employer.

For those four reasons it is my position that the line of inquiry here directed to whether or not an employee believes that he joined the Donnelly Garment Workers' Union of his own free will isn't a proper line of inquiry.

Lant aware that the Court has directed us to take that testimony, and I will not c' ject further in this hearing, but I do wish the record to show my position on this line of questions.

Trial Examiner Batten: You may have a continuing objection to this type of question. Mr. Tyler.

[fol. 4156]. M. R. C. I think it proper at this time for the Intervenor at state it position on that line of testimony.

Miss Weyand has suggested that it displaces and takes the place of the proper method of inquiry, which is a secret election. I wish to call the Examiner's attention to the fact that the Donnelly Garment Workers' Union has appealed and still appeals for a secret election, and that they have been denied this right for a period of five years, and that we submit we should have a secret election as the proper method of determining the will of the employees, which is just as capable, being really secret, of determining any other issues now, as it would be after this case had ended, no matter when it is in the future.

We are being denied the right of secret election, and now the Board says a secret election is the way to determine, but "you are denied that method and we now deny you the method of proper testimony," thereby completely eliminating the possibility of these employees making known what their desire is, which refers to the matter of testimony being in the presence of representatives of the employers, which I need not comment on, because it has been specifically covered by the Court of Appeals' opinion.

She then suggests what seems to me to be a remarkable idea, that introspective evidence is not of great value, because the employees do not know their own minds, and that [fol. 4157] the Board presupposes that they were dominated.

Now, the law is not, if the Coust please, that these employees reach a correct conclusion or not that they reach a conclusion, even though using arguments which are wrong and incorrect. The only requirement of the Act is they reach their own conclusion.

Now, to say they didn't know their own minds is to say that the Board knows what is good for them better than they do themselves, and the law is they should reach the Board's conclusion and not their own.

I submit that the highest possible evidence of a man's motive or his state of mind is what he says himself; he does know what conclusion he reaches, even though he may have used incorrect arguments in reaching them; and that the attitude of the Board is clearly indicated in this case that "we will decide for these people, and they don't have enough brains to decide for themselves and that they don't know their own minds," which is a flat violation of this Act.

Not only is the testimony of these employees' intent admissible, but it is the highest evidence of what that motive, that influence and that choice is.

Trial Examiner Batten: Anything further?

Mr. Reed: I just want to ask — I tried to ask it before Mr. Tyler reached the floor — now, if you will give [fol. 4158] us a secret election, since you say these people are afraid to testify in the presence of their employers or their associates, will you now give us a secret election? And I challenge the Board to that.

Miss Weyand: I would like to state the Board's position with reference to a secret election for the record.

The Board's position has consistently been, and was upheld by the Courts in this regard, that a secret election cannot be fairly conducted if an employer's unfair labor practices have not been corrected or dissipated.

Mr. Reed: Well, you assume there are unfair labor practices, therefore you assume you can't have an election; therefore you get an election if the Board wants it and not as a matter of right, and the Board's position is, "We have prejudged you, you are guilty of unfair labor prac-

tices, and therefore we won't give you a chance to have an election or give the employees a chance to have an election to determine what their wishes are."

That is the fine logic we have in this case, and it runs throughout it.

ffol. 41601 By Mr. Ingraham:

Q. Mrs. Cooper, do you feel free to testify in this hearing?

A. I asked to testify in this hearing.

Q. Just a moment. Do you feel free to testify to your honest views in open court?

A. Of course I do.

Q. Do you feel any restraint because representatives of the Management are present in court?

A. No. I don't.

Q: Has their presence in any way influenced you in any testimony that you have given?

[fol. 4161]. A. They certainly have not.

Cross-Examination.

By Mr. Tyler:

Q: Mrs. Cooper, would you mind turning your chair a little way? I have a few questions.

Mrs. Cooper, I believe you stated that you started to work with the Donnelly Garment Company in January 1936?

A. I did.

Q. How soon after you started work there did you become acquainted with Rose Todd?

A. Oh, I don't exactly remember. She used to come into the section all the time and bring thread and stuff to match up the material so she could order it. I knew who she was, but I never was really well acquainted with Rose, not as a personal friend, she was not a personal friend of mine.

Q. Have you talked with her on occasions?

A. I did after she became president of our union.

Q. Did you know what her job was?

A. A. I never knew what they called Roso, but I knew the kind of work she done.

Q. What did she do?

A. She came in the section and she looked up thread and things to match, thread and trims to match the work that they had in the section so it could be ordered, so that when the cuts of work went through that the thread and [fol. 4162] notions would be there for them to use.

Q. Did you ever regard her as one of the executives

or bosses of the company?

A. No. I didn't.

Q. Did she ever tell you that she had authority to speak for the company about labor relations of the employees?

A. She did not.

Q. Did you ever hear her tell anyone else that?

A. I did not.

Q. Did you ever hear anybody in the factory say that Rose Todd represents the employers about labor matters?

A. I did not.

Q. Did you ever hear any rumor through the factory that Rose Todd was either the open or the secret representative of the employers?

A. I did not.

Q. Do you know Hobart Atherton?.

A. I knew who he was but I never knew him.

Q. Did you ever hear he had authority to represent the employers about labor policies?

A. I did not.

Q. Now, to shorten it, Mrs. Cooper, was there any member of the Donnelly Garment Workers' Union, or any person who became a member of the Donnelly Garment Workers' Union, that you understood represented the employer or had authority to speak for the employer on [fol. 4163] labor relations?

A. There was not.

Q. Did you know, in 1937, girls or women who worked in other garment plants in Kansas City outside of the Donnelly plant?

A. I didn't know the names of some; some I used to ride to work with on the street cars, and I have talked to

several of those.

Q. Did you ever hear from them what wages they were getting in their plants?

A. Well, I had several of them tell me that if the Donnelly girls joined the I.L.G.W.U. union they were crazy, because the I.L.G.W.U. were not living up to their contracts; their contracts called for one wage while they were being paid another.

Q. Did these conversations-

Trial Examiner Batten: (Interrupting) Mr. Tyler, do you think that testimony, without any identification at all, is of any great weight?

Mr. Tyler: I certainly do, Your Honor. I submit that information, regardless of where it comes from, reaches these employees about other conditions, may tend to show why they preferred to have their own union.

Trial Examiner Batten: Yes, I agree with you on that. I am asking you whether you think it is of great weight as [fol. 4164] compared with the identification of the source of information.

Mr. Tyler: I think it is of greater weight than the source of information. I think what these employees believed, as I believe Your Honor stated the other day, is really more important than where it came from.

Total Examiner Batten: Well, I still think that, I still agice with you on that, Mr. Tyler.

[fol. 4165] Q. Did these conversations have any effect on your choice of labor union at all?

A. It certainly did.

[fol. 4167] Q. Mrs. Cooper, have you ever been a member of the executive committee of the Donnelly Garment Workers' Union? A. No, I haven't.

Q. Have you voted for members of that committee?

A. I have:

Q. In spite of the fact that you have never been on the committee, do you have any knowledge of any complaints handled by the Donnelly Garment Workers' Union with the employers?

A. I do. I went up with a bunch of girls one day.

Q. State what was done.

A. The price of the work we thought wasn't as good as it should be. It didn't compare with the prices the girls in the tucking section were getting. We were on the embroidery machine and the embroidery machine was a harder machine to run that the tuckers were, and we didn't think it was fair that the prices on the embroidery should be lower than the prices on the tucking, so we called Lorraine Smith, our president, and had her make an appointment with Mr. Baty, and we went up to Mr. Baty's office and presented our views, and the prices were adjusted on some and on others it was not.

Miss Weyand: I object to the question and ask to have the answer stricken because, at least the latter part of it, as to Lorraine Smith as president of the union, referred to a date subsequent to the last hearing. I believe we are confined, under the offer, to events occurring prior to August, 1939.

[fol. 4168] As I recall, Rose Todd was president of the union continuously prior to that date.

The witness' answer would show she is referring to matters occurring thereafter, and I would like to have the answer stricken for that reason.

Mr. Tyler: I do not understand Your Honor's ruling to be that absolutely nothing occurring since the last hearing will be permitted in evidence. I understand that is the general rule, but where some event since 1935 reasonably throws light on the condition before that time, Your Honor will consider whether it is admissible.

I submit that the law is that the effective operation of a plant union down to the present day is admissible evidence on the matter of whether it has been since its inception an actual bona fide labor union. I submit that the evidence as to the actions of this group of people as a labor union down to today is admissible in this hearing on the question of whether they actually formed or operated that union themselves in 1937.

[fol. 4169] Mr. Tyler: The International is saying, suppose you did form it of your own free will and accord; it became subject to domination thereafter. We intend to she vit was operated for the benefit of the employees thereafter.

Trial Examiner Batten: Doesn't that mean the Board [fol. 4170] would then have to show, in rebuttal of that testimeny, that since the last hearing down to today it is still a dominated organization?

Mr. Tyler: I take it, it is on the Board to introduce evidence, if they have it, to show that the union is under domination, to show that its formation was dominated. If they show the union is dominated today, that is some evidence that it was created under domination. I think those things connect.

Trial Examiner Batten: What is the position of respondent on this matter?

Mr. Langsdale: The I. L. G. W. U. would be happy to accept that challenge and show it is dominated down to today and has been from the beginning.

Trial Examiner Batten: Mr. Ingraham, what is the responder position on that matter?

Mr. Ingraham: We have requested that the Examiner determine the scope of the hearing. I think that is a matter for the Examiner to decide, whether it is going to take in matters that occurred after the trial in 1939. Our position is that the complaint that is filed here and the answers make up the issues in the case, and that the evidence should be confined to the issues.

Trial Examiner Batten: We will all agree on that. But are the matters which have occurred since the last hearing [fol. 4171] down to today—is it necessary to receive those to determine the issues?

Mr. Ingraham: I really don't think that it is necessary. The Board has made certain specific charges, and I don't think that matters down to the present date are material to tose charges.

However, so far as the International's challenge is concerned, we can meet that evidence. We are merely waiting for Your Honor to rule.

Trial Examiner Batten: I think, as far as that challenge is concerned, if the International feels that way about it, there is a perfectly proper way of bringing that to issue, and that is by filing some more charges.

I am going to rule now, as far as the testimony with respect to the offers of proof is concerned, we are not poing into matters which occurred subsequent to the last hearing. The remand certainly could not possibly have contemplated those matters, and the offers of proof certainly could not have contemplated those matters.

On the basis of that ruling I, naturally, would strike this answer, with respect to this witness.

Mr. Reed: Are we, then, to understand that the case here is to be tried solely on the conditions existing at the time the charges were filed, before the time of the last hearing?

[fol. 4172] Trial Examiner Batten: That is correct.

Mr. Reed: That goes for everything in the case?

Trial Examiner Batten: That is correct. In other words, we are not going to try the issue from the time of the last hearing down to today. The circuit court would not have and could not have had that situation in mind, and certainly the offers of proof could not have contemplated it.

Now, that means, of course, that I shall have to go over the testimony thus far. If I recall correctly, there is some testimony covering matters subsequent to the last hearing.

Mr. Tyler: I desire to call Your Honor's attention to the fact that the offer of proof of intervener's states that not only did they organize this union of their own free will, but that they have operated it since. That is a continuing thing. And I think that the Court of Appeals did not mean in the remand to limit this hearing to the exact words or the exact incidents set forth before, but to a kind of evidence, and that this is within the kind of evidence.

[fol. 4173] Mr. Tyler: Very well. I do not know that this particular question has arisen before in this hearing and I ask that we be given a continuing exception to this line of testimony, if that is not already in the record.

Trial Examiner Batten: You will be allowed a continuing objection, Mr. Tyler. [fol. 4174] Mr. Tyler. Please insert " . . . to the Master's ruling on this line of testimony."

Mr. Langsdale: I want to state the position of the I. L. G. W. U., to make it clear on this. We are ready now to go ahead down to date with our evidence, if the Examiner thinks we should. A believe the Examiner's ruling is correct, under the remand, but I would like to see the Examiner let the bars down, because we are thoroughly prepared to show acts of domination right up to yesterday, if necessary. That is our position.

[fol. 4175] I say that, however, with the further statement that I think the Examiner's ruling is a correct one.

I made that objection during the testimony of Mrs. Reed. She testified to things down to date. Now, will we have to go through that testimony and ask that certain portions of it be stricken, or will it be taken as stricken where it violates the ruling just made?

Trial Examiner Batten: I intended to go through the testimony. I might say that I have no apologies to make for permitting Mrs. Reed the latitude I did. If I were doing it all over again, I think I would do the same thing. And I think I said at the time that if there were my other person of, I would say, comparative importance who was unable to testify in the prior hearing, I would, I think, follow the same procedure. But I think I stated when I made my ruling that I intended to go over the testimony thus far.

Mr. Langsdale: I am not in any way intimating a criticism of the Examiner for permitting Mrs. Reed to so testify, but I think under this ruling a large part of her testimony should be stricken.

Trial Examiner Batten: 1 intend to go over it, and I will advise with all counsel after I have.

[10]. 4176] Mr. Tyler: Mrs. Cooper, did you happen to know of any complaints handled through the Donnelly Garment Workers. Union or its committees before 1939;

that is, within a year and a half after the union was formed—within two years after the union was formed?

Mr. Langsdale: What is the date upon which we will close the evidence, the last day of the hearing?

Trial Examiner Batten: That is correct. believe it was July 15. Do you have it, Miss Weyand?

Miss Weyand: Yes. July 15 is the correct date.

A grial Examiner Batten: From April 27, 1937, to July 15, 1939—a little over two years.

A. I can't think of any specific instance where any of the girls I work with actually went up with a complaint prior to that time. I heard of several of them, but I didn't know the actual details of it.

By Mr. Tyler:

Q. You did not have personal knowledge of it?.

A. No.

[fel. 4177] Q. But you heard that numerous complaints were handled through the union; is that correct?

A. That is right.

Q. Did you ever see Mrs. Reed or Mr. Baty or Mrs. Reeves at a meeting of the Donnelly Garment Workers' Union between and including the date of its formation up until July, 1939?

A. I don't remember ever seeing them there.

Q. Did you ever see anyone at the meeting of the Donnelly Garment Workers' Union who you understood had authority from the employer in connection with labor relations or was in any way a supervisor or boss?

A. I did not:

- Q. In the meeting of April 27, 1937, was or was not a statement made that the employees had the right to do exactly as they pleased about forming a labor union or not forming one?
 - A. It was made by you, yourself, Mr. Tyler.
 - Q. By anybody else?
 - A. By Rose Todd, too.

Q. Did you see any evidence of any coercion or threat or oppression about forming a labor union there?

A., I did not.

Q. Did you see any evidence of denying anyone present the right to speak his or her own mind without any punishment being threatened for it?

A. I did not.

[fol. 4178] Q. Will you state, as far as your memory goes, just what happened in that meeting of April 27—what you remember of it?

A. I don't remember all of the details, but I remember that you came down and told us we could form our own union, under the law, if we wanted to, and that the vote was taken and the girls voted to form their own union, and the committee was voted on to go out and bring back some names of the chairmen, and things, for the first union committee, and then they were voted on. Then, they passed out cards for the girls to sign if they wanted to join the union.

Q. Do you remember whether there was or was not any offer made to let anyone who didn't want to make up their mind then and there take further time and decide whether they wanted to join or not?

*A. They said they could sign or not, whichever they chose; the cards would not have to be in until the next

evening.

Q. How long did the meeting last?

A. It was several hours. I don't remember. I know I was awfully late getting home.

Q. What is the fact, Mrs. Cooper, according to your best knowledge, as to whether these employees acted of their own free will or whether they were coerced into forming the union?

ifol. 4180] A. I never heard any of them make any complaints about being coerced, or anything. They all seemed to be acting from an urge within themselves to form this union. They all seemed very anxious, all of them I talked to. Of course, what they really thought, I can't say, but that was my opinion.

By Miss Weyand.

Q., Did you ever work in another garment factory before you began working at the Donnelly Garment Company? A. I did.

Q. When did you start working in garment factories?

A. Sixteen years ago. ,

Q. What garment factory did you start working in?

A. The Kansas City Embradery Works.

Q. How long did you work at the Kansas City Embroidery Works?

A. About 7 months, I believe.

Q. Where did you go from the Kansas City Embroidery Works?

A., Brooke Curtain & Embroidery Company, 2609 Walnut.

Q. How long did you work for the Brooke Curtain &

Embroidery Company?

A. I worked there about two years before I was married; then, I went back after my first son was born and worked there for approximately a year.

Q. Could you fix the date on which you went back!

[fol. 4381] A. No, I couldn't. It was in 1931.

Q. And where did you go after working there?

A. To the Liberty Garment Company.

Q. How long did you work at the Liberty Garment Company?

A. It wasn't very long. I believe it was about 6 or 8

months, something like that.

Q. That was in 1933, was it, or 1932?

A. I don't remember. It was just a few months. I went over there when we were out of work at Brooke's; I went over there and worked a few months. I don't remember how long, it was.

Q. Did you return to Brooke's after that?

A. Yes.

Q. How long did you continue to work at Brooke's?

[fol. 4182] A. I can't remember. I know my second son was born in 1932. I went over to Donnelly's and worked there a few months before he was born, and then I fol. 4183] went back over to Donnelly's and worked when he was 8 months old. That would have been the latter part

of 1932. No. It was the first of 1933. I worked there a few months, and then I quit and went back to Brooke's.

By Miss Weyand:

Q. Was that the first occasion upon which you had ever worked at Sonnelly Garment Company?

A. Yes, it was.

Q. Then did you continue to work at Brooke's continuously until you went to Donnelly's in January of 1936 or—

A. At one time I was laid off and I went over to the Liberty and worked over there until they got some more work, and then I went back to Brooke's and worked there until I went to Donnelly's in 1936.

Q. Thank you. How did you come to get your job at Donnelly's in January 1936!

A. I was laid off at Brooke's and I came over there and asked for work.

[fol. 4184] Q. Whom did you speak to at Donnelly's?

A. Mrs. Hyde.

[fol. 4186] Q. Do you remember the conversation which occurred when you asked Mrs. Hyde for a job at the Donnelly Garment Company in January 1936?

A. Most of it.

Q. Will you please state it?

A. I had asked—I had put in my application first and she came and told me to come in.

Q. When did you put in your application?

A. About two days before I was hired.

2. And that was in January 1936, was it?

A. Yes. She called me and left word with my brother-in-law to have me come over and see her, and I went over to see her, and she understood that I was an embroidery girl, and I told her that I was; and she wanted to know who I worked for, and I told her I worked for Mrs. Dorsey.

[fol. 4187] Q. When you mentioned Mrs. Dorsey, is that the instructor at Donnelly's whom you had worked for previously?

A. Yes, I worked for her two weeks in December—now, wait a minute and I'll tell you—in the last part of Novem-

ber or December, 1931. *

Q. I interrupted your statement of the conversation

with Mrs. Hyde; would you continue it?

A. She said the work wouldn't be steady, that she only had a few weeks' work, that it was on the embroidery machine. She wouldn't promise me it would be steady; so when I ran out of work they gave me another machine, so I started working there on different machines outside of the embroidery machine.

Q. Had you worked on other machines than the em-

broidery machine prior to January, 1936?

A. Yes, when I worked at the Liberty Garment, I ran a

straight needle machine.

Q. Did you receive higher pay for operating the embroidery machine than for the other machines on which you worked at Liberty?

A. At the Liberty?

Q. Is it generally higher pay on embroidery machines?

A. Yes, it is

Q. And the embroidery machine is your specialty, is that correct?

[fol. 4188] A. Yes.

Q. And was down to August 1939, is that correct?

A. That is correct.

Q. Was there more to the conversation with Mrs. Hyde than you have stated?

A. Not that I remember.

Q. Did she then hire you?

A. Yes, she did.

Q: When did you start work?

A. The same day.

Q. What section did you get into?

A. Etta Dorsey's section, No. 415 I believe it was.

Q. What floor was that on?

A. I believe it was on 8, where it is now.

Q. Have you been on the 8th floor continuously?

- A. No, I worked all over the factory since I been
- Q. What machines did you operate in Etta Dorsey's section in January 1936?

A. The embroidery machine.

Q. Was Ettå Dorsey's section composed entirely of embroidery machines?

A. No; it was a special section; we had tuckers, arm tuckers, and a f-w air line tuckers, and I believe she had a few double stitchers at that time.

[fol. 4189] By Miss Weyand:

Q. Was an instructor regarded as a boss at any of the plants at which you had worked prior to coming to the

Donnelly Garment Company in Jamuary, 1936?

A. Well, I know when I went to work at the Liberty, I went and seen Lena Cross. She put me to work at the Liberty; she told me to come in, and she was my floorlady and instructor at the time I went to work there.

Q. She hired you, did she?

A. She did. Whether she spoke to the management about that, I don't know; but she told me to come in and I [fol. 4190] went in and went to work, I went directly to her for the job.

Q. She was regarded as a boss at the Liberty Garment

Company?

A. She was floorlady and instructor, so I suppose she would be the boss.

Q. Was she usually called "instructor" at the Liberty?

A, I don't remember, Miss Weyand, whether they called her the instructor or not.

Q. Did they have instructors at the Liberty, other persons who were called instructors?

A. They had one or two women, but I didn't know them. You see, I knew Lena personally.

Q. Did you have sections at the Liberty!

A. No, they didn't have the special work we do at Donnelly's, and it was not near as large a place, and all of them who worked there—some of the women brought bundles and others done different things.

Q. Did you have instructors at any of the other plants.

at which you worked other than Donnelly's?

A. Yes, we had an instructor at Brooks—it was later changed to W. H. Beaumont and Son; I worked there when it was under that name.

Q. Who was the instructor you were referring to at Brooks?

A. Martha—I know her name as well as I do mine— Martha—she worked on the machine with me for years be-

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[fol. 4191] fore she was instructor—Lauber, L-a-u-b-e-r (Spelling)

Q. Did you regard Martha Lauber as a boss at Brooks?

A. Yes, I did.

Q. Was there a thread girl at Brooks? A. No.

Q. Were there thread girls at any of the other plants

at which you worked prior to Donnelly?

A. Not in the same way we have them at Donnelly's. There was girls that wound thread at Brooks, it had to be wound off of the comb onto the spools, and they called them thread girls, but their sole job was to take care of the needs of the operators.

[fol. 4193] Trial Examiner Batten: We will proceed.

By Miss Weyand:

Q. When you went to work at the Donnelly Garment Company in January of 1936, were you given any instructions, written or oral, as to the authority of the supervisors, what rules you were expected to follow, or your duties as an operator? A. I don't believe I was.

Q. How did you start to work; do you remember? Did Mrs. Hyde take you down to a section? A. She did.

Q. Did she introduce you to Mrs. Dorsey?

A. I already knew Mrs. Dorsey, and when I went up there she said, "Yes, I remember her. She has already worked for me."

Q. And then you started to work? A. Yes.

Q. And no one told you what rules you were to follow or whose directions you had to follow, or anything?

A. One or the other, either Mrs. Dorsey or Mrs. Hyde, told me Mr. Baty was in charge of the factory, but I can't remember now which one of them it was.

Q. And that was in January of 1936, when you went to work there? A. Yes.

Q. Did they tell you anything further about your duties?

A. No. They just showed me how to do the work—Mrs. [fol. 4194] Dorsey did, and she came around and looked at it, and that was all there was to it.

Q. Did they introduce you to Mr. Baty! A. No.

Q. When did you meet Mr. Baty?

A. Oh, I saw him there all of the time. They told me who he was, but I never was introduced to him.

[fol. 4196] Q. Were you given any instructions, oral or written, or any rules of conduct, which stated what your duties as an operator were between January, 1936 and July, 1937?

[fol. 4198] A. Miss Weyand, I can't remember ever working in a place where they did, when you went to work, give you any instructions along that line.

Q. Were you ever told what the duties of the instructors were?

A. One of the instructors told me one time, what they told her.

Q. Who was that instructor? A. Grace Davis.

Q. Was she an instructor? A. She is now.

Q. Was she at the time she told you? A. Yes.

Q. When did she tell you?

A. It has been around a year and a half.

Mr. Reed: That is after-

Miss Weyard: That is correct, and I am abandoning that line of questioning.

By Miss Weyand:

Q. I will ask you if you ever received any such information prior to July 15, 1939. A. No.

Q. So you never, prior to July 15, 1939, were told by [fol. 4199] anybody at Donnelly's what the authority and duties of an instructor were?

A. No. I never asked anybody anything about that, and no one ever told me.

Q. Were you even told what the duties or authority of Lena Tyhurst were prior to July 15, 1939?

A. Xobody ever told me what she was supposed to do, but I know what she done in relation to the work I do.

Q. What did she do!

A. She comes around and impects your work, especially on new work which is going through, to see that the

work is going through all right; and if she doesn't think it is all right, she will take the part you have and the parts all over the factory and have one dress made up to see if there is any doubt about whether it is all right or not. If some girl changes her work, Lena inspects it to see whether or not it comes up to qualifications.

[fol. 4200] Q. What section were you working in in March and April of 1937?

A. I was working in 415, on the embroidery machine.

Q. Who was the instructor?

A. I don't remember now. They change those around. [fol. 4201] Sometimes Grace Davis, sometimes Kathryn Rosen, and sometimes Etta Dorsey. I don't remember at that time which one of them had that section.

Q. Do you remember any instructor under which you worked during the months of March or April of 1937?

A. I believe Mrs. Dorsey still had the section at that time.

Q. Did you work under Mrs. Dorsey throughout the months of March and April, 1937?

A. I would say that I did.

Q. Who was the thread girl in that section at that time?

A. I don't believe we had one. I don't remember that we did.

Q. When did you join the Loyalty League?

A. The first part of 1936.

Q. Do you remember the occasion upon which you joined?

A. The president of the Loyalty League sent me a notice that I was eligible for membership if I wanted to join the Loyalty League.

Q. Who was the president of the Loyalty League!

A. I don't remember now who it was.

Q. Where did you receive the notice?

A. It was brought to my machine,

Q. Was that during working hours? A. Yes.

Q. What did the notice state?

A. That I was— It said, "You are now eligible for . [fol. 4202] membership in the Nelly Don Loyalty League."

Q. Was it a printed notice?

A. I don't remember, Miss Weyand, whether it was or not.

Q. Who brought it to your machine?

A. I think the instructor did.

Q. Who was the instructor at that time?

A. I believe, Mrs. Dorsey.

Q. What did you do after you received the notice?

A. I went to the desk of the president. But I still can't remember who it was.

Q. Where was the desk located?

A. I don't remember, Miss Weyand. I wasn't very interested. I had two small children, and I didn't go in much for social affairs, dances, and such things. I wasn't very much interested.

Q. The president did have a desk in the plant somewhere!

A. Either they had one or they were using someone else's.

Q. What occurred when you got to the desk!

A. I told whoever it was that I wanted to join the Loyalty League.

2. And what did she say?

A. I couldn't remember the exact words, Miss Weyand, but Innow I got a Loyalty pin.

Q. Was it a man or woman who was president?

A. I think it was Herbert Mutchler, but I won't swear [fol. 4203] that it was.

Q. Did you get the pin on the first occasion on which you called at the desk!

A. No. I ordered the pin and it was later brought to me—sent up through the section. I suppose the instructor brought it to me.

Q. Did you sign any card or pledge when you went to the desk? A. I don't remember that I did.

Q. Do you remember signing anything on that occa-

A. I might have, but at this time I don't remember.

Q. Did you receive any membership card?

A. I don't think they issued membership cards.

Q. Could you tell me what the number that appears at the bottom of the Loyalty League pin stands for? There is a number of the pin you produced vesterday—12 hundred and something, I believe.

A. That is your number. The pin as it is issued—each one is given a number. My particular number was 1022.

Q. Did that represent you were the ten hundred twentysecond member who had joined the Loyalty League?

A. I believe that is right.

Q. Do employees keep their pins when they cease to work for the company?

A. I imagine they do. They pay for them.

[fol. 4207] Q. Could you give me the names of the girls who were working near you in March, 1937?

A. I know a lot of girls that worked in the same section

with me at that time.

- Q. Will you please name the ones you know—you knew at that time or were friendly with, the names of those you knew?
- A. Emma Davis, Ann Perry, Mary Maifreda, Elsie Holloway, Beulah Green—Those were the ones I knew the best.
- Q. Do you know the names of the girls who worked on either side of you the first part of March, 1937?

A. No, I couldn't remember that far back who worked

any certain places.

Q. Do you remember the names of any other girls in that section in the early part of March, 1937, other than Perry, Maifreda, Davis, Elsie Holloway, Beulah Green?

A. Yes, Dorothy Osshier, Mable Spielbusch, Claris Martin, Catherine Pflumm—I believe that is most of them.

[fol. 4208] Q Do you remember what time of day the Loyalty petition which you were looking at yesterday was circulated through the 8th floor?

A. I believe it was in the morning.

[fol. 4209] Q. Had you heard about such a petition before it was brought to your attention?

A. No, I didn't. Some of the other girls in my section had heard about it, and talked it over, but I hadn't heard anything at all about it until it was brought to my machine.

·Q. How did you know they had talked it over?

A. They told me they had discussed it with some of the other girls.

Q. But they had not mentioned it to you until the petition came?

A. That's right.

Q. Where were you working in your section? Were you at the end of the row or in the middle of the row?

A. I was in the middle of the row on the northwest side of the building on the 8th floor.

Q. What section was immediately adjoining your section?

A. Well, ours was No. 415-it must have been 414.

Q. Who was the instructor in 414 at that time?

A. I believe Mary Copowycz was.

Q. Do you remember whether the petition was passed through your section before it was passed through the other section, or the other way around?

A. I don't remember but-

Q. (Interrupting) You do remember it, was passed?

Mr. Reed: Let the witness finish the answer.

[fol. 4210] Miss Weyand: # am sorry.

By Miss Weyand:

Q. Had you completed your answer?

A. I am trying to remember—I believe it started in the east end of 415; I am sure it did, because it was next to the door, and I remember seeing one of the girls at the end of the other—you see, there are two rows of machines in our section, and I remember one of the girls at the end of that row took it to the other section so it must have come to ours first.

Q. And then one of the girls in your section took it over to 414, is that correct?

A. That's right.

Q. Do you remember who that girl was?

A. No, I can't. They were doing different work than what I did; there were tuckers and double stitchers over on that row and I didn't know all those girls well that was in the other section.

Q. Who was the thread girl in Mary Copowycz's section?

A. I don't remember whether she even had one or not.

Q. Do you know what section the petition went through before it came to your section?

A. No, I don't.

Q. Do you remember how many sheets were in the petition when it was passed to you?

A. No, I don't.

[fol. 4211] Q. Was it more than one sheet that came to your hands?

A. & I don't think it was, Miss Weyand.

Q. Do you remember whether there were other sheets passed around at the same time you were signing on the sheet which you signed on?

A. I wouldn't know that either, but I don't believe there was on the 8th floor, because I know that several different

sections signed on this same petition that I had.

Q. Did the girl on the right of you sign, and then you sign and then the girl on the left of you, on the same sheet, and the same sheet pass down the row?

A. It did.

Q. You mentioned that Mary Sprofera and some other girl came on the 8th floor with the petition. Do you remem-

ber what they did, specifically?

A. They took it to one of the girls in the other end of 415—I don't remember how come I was up there, but I saw them bringing the thing up, and they gave it to the girls, but what they said I don't know; they didn't give it to me first, they just brought it up to the section and then left it. I can't tell you what they said, because I wasn't over there, but I saw the two girls up there.

Q. The two girls you saw up there were whom?

A. Inez Warren and Mary Sprofera.

- Q. And do you know the name of the girl to whom they [fol. 4212] gave it?
 - A. No, I don't; she was on the other end of the row.
 - Q. Were there any men in your section at that time?

A. No.

Q. Do you know Ada Wolfe?

A. Yes, I do.

Q. Do you know what her job was in 1937?

A. No, I don't.

Q. Was she ever a thread girl or an instructor?

- A. Oh, she is an instructor now, and I believe she has always been. I don't know for sure because I never worked for her.
 - Q. You think she was always an instructor?

A. believe she was.

Q. During the whole time you worked at the plant?

A: I won't say for sure she was, because never actually worked for Ada, and I don't know.

Q. And she work on the 8th floor!

A. No, I believe she was either on the 6th or 7th.

Q. Was she an ordinary operator during the entire time which you were employed by the company?

A. I don't know, Miss Weyand; I don't think she was.

Q. Was she ever a thread girl?

A. I don't know that either. I would know if I had worked close to her, you know, in her section, I would have [fol. 4213] known, but if she was anything but an instructor I don't know.

Q. Do you know Lillian Lubben?

A. No, I don't.

Q. Do you know Gertrude Martin?

A. No, I don't.

Q. Do you know Lillian Scott?

A. Lillian Scott! I don't know; I knew a girl, I believe —I believe her name was Lillian Scott, she isn't there any more.

Q. Was she in your section in 1937?

A. No; I believe she worked for Ada; she was a snap girl or something.

Q. Do you know Etta Mae McCurry?

A. Yes.

Mr. Ingraham: I want to ask Miss Weyand if these people are instructors or any persons named in the offers of proof.

Miss We and: Most of the people whose names I have read were named in the offers of proof.

Mr. Ingraham: As making the offers of proof?

Miss Weyand: As witnesses whom you offered.

A. I know Etta Mae McCurry.

By Miss Weyand:

Q. Was she in your section?

A. No, she was in Mollie Smith's section.

Q. Where was Mollie Smith's section in 1937? [fol. 4214] A. I believe it was on 6.

Q. Do you know Elmer Jones?

A. I do know Elmer Jones,—I did know Elmer Jones when he worked there.

Q. What was his job?

A. Making buttons and buckles.

Q. Was he in your section?

A. Wien I worked for Mollie he was.

Q. And what floor was that?

A. That was still on 6.

Q. Did he ever work on the 8th floor with you?

A. Not when I was there he didn't.

Q. Do you know Myrtle Cox!

- A. Yes; not personally, I know who she is.
- Q. Did she work in your section?

A. No.

Q. Where did she work?

A. She worked part time for Mollie too.

Q. Do you know where she worked in March 1937?

A. No, I don't.

Q. Do you know whether she was working on the 8th

A. No, I don't. o

Q. Do you know Ronald Morrell!

A. Yes.

Q. Where did he work?

[fol. 4215] A. For Mollie Smith.

- Q. Did he ever work in your section?
- A. No, only when I worked for Mollie.

Q. Did he work on the 8th floor?

A. No, that was 6.

Q. Do you know William Hawks?

A. Yes.

Q. What did he do? .

A. He made buckles and buttons too.

Q. That was on the 6th floor, in Mollie Smith's section?

A. Yes.

Q. Is it possible you were working in Mollie Smith's section in 1937 when the petition was circulated through the plant?

A. No, it is not, because I clearly remember I was on 8.

Q. Do you know Agnes Hollyday!

A. Yes, but she isn't there now.

Q. What section did she work in?

Trial Examiner Batten: You mean at that time?

Miss Weyand: When she knew her.

A. Agnes Holliday worked out of the notions department, I believe; I know she came into Mollie's and brought stuff there for the girls to work on, you know, the parts of buckles and things; I believe she worked out of the notions department.

By Miss Weyand:

Q. Did she work in your section at any time? [fol. 4216] A. No.

Q. Did she ever work on the 8th floor?

A. Not that I know of.

Q. Do you know where she was working in April 37?

A. No, I don't. The only time I ever knew her she was working in the notions department.

Q. Do you know Elsfe Feiser!

A. Yes.

Q. Who was she?

A. She worked for Mollie Smith.

Q. Did she ever work in your section on the 8th floor?

A. No.

Q. Do you know Sue Nell Huston?

A. No.

Q. Do you know Avis Mowry?

A. No, I don't.

Q. Do you know Ruth Holdman?

A. No, I don't.

Mr. Reed: I would like to ask the object of this examination, where it is leading to, what issue in this trial it saffects, whether this young lady knew these various parties.

Miss Weyand: I will state at this time those are the names which appear preceding and following what seems to [fol. 4217] me to be this young lady's signature on the Loyalty pledge. I will ask her to identify her signature.

By Miss Weyand:

Q. Is that your signature, the 1, 2, 3, 5th, signature from the bottom in the 3rd column of the Loyalty pledge, is that your signature?

A. It certainly is.

Q! Do you know how those people came to sign before and after your name when it was passed through your section, which you said it was?

Miss Weyand: That is page 5961 of the exhibit which was admitted in the record, if she cares to look at this exhibit, a photostat of the same document.

A. Sure.

Miss Weyand: Only this has the Labor Board Exhibit on it before it was photostated.

Mr. Stottle: What was that page number?

Miss Weyand: 5961. I would like to have this pause shown in the record, in time, if it could be indicated.

Mr. Ingraham: Don't you want the witness to consider her answer?

Miss Weyand: Sure, I want her to consider as long as she desires before she answers the question.

A. I still can't remember being in that section when I signed it.

By Miss Weyand:

Q. And you remember that you were on the 8th floor [fol. 4218] when you signed it?

A. I still think I was on the 8th floor when I signed it.

Q. It was passed from one girl to another on the 8th floor, and you saw Mary Sprofera and the other girl bring it to the 8th floor section?

A. I certainly did, I saw them bring it to the 8th floor.

Q. Do you need to study that further!

A. Is this the document that was photographed for Mrs. Reed, that was taken out and presented to Mrs. Reed?

Mr. Ingraham: Yes.

A. I still can't remember being in Mary Sprofera's section — I must have been working down there, but I am positive — I still don't know how come those names on each side of mine, because I am positive I was working on the 8th floor.

By Miss Weyand:

Q. Were you working on the 8th floor at the time of the meeting of March 18th, at which Mrs. Reed spoke?

A. I think I was.

Q. You stated that prior to that meeting you heard a discussion in the lunch room that there was going to be a meeting, is that correct?

A. That is correct.

- Q. Do you remember whom you heard discussing that in the lunch room?
- A/ That was the girls I ate with, but I don't remember [fol. 4219] now who they were.
- Q. Whom did you usually eat lunch with, any given girl?

A. No, it depended on where I was working.

- Q. Were they girls from the section in which you were working?
- A. Yes, they were girls from the section in which I was working.
- Q. Do you remember whether they were girls from the 8th floor section that you discussed this with prior to the March 18th meeting?

A. No, I don't.

Q. I believe you stated that for some time prior to the March 18th meeting you had been discussing the newspaper articles and bringing clippings down; is that correct?

A. That is correct.

Q. Did you bring clippings down?

- A. No, I didn't. I didn't take the Post; I read them in the Star, but some of the other girls did bring the clippings down.
 - Q. Did you subscribe to the Star!

A. Yes.

Q. Do you remember any girl who brought any clipping down?

A. Well, I remember Elsie Holloway used to bring the

Post clippings down.

Q. Do you remember she brought any clippings down from the Post prior to the meeting at which Mrs. Reed spoke? [fol. 4220] A. That has been so long ago I can't give you any given time on it, but it was during the time of that publicity that was in the papers during those weeks.

Q. And was that before the time Mrs. Reed spoke?

A. Part of it was.

Q. How much of it was!

Mr. Reed: Well, the dates are on the papers in evidence, and would be the best way to fix the dates.

Miss Weyand: This young lady testified she had been discussing them a week before the articles appeared. I would like to have her be more specific. The answers she gave to the questions that counsel for company asked are so vague I don't believe they were worth anything. I asked her how much discussion, who it was with and what about, and I would like to have her state that.

Trial Examiner Batten: Do you recall the question!

A. Yes, you asked - read the question again, please.

Miss Weyand: Read the question again, please.

Trial Examiner Batten: Will you please read the question?

(Last question read by the reporter.)

Mr. Reed: How much of what?

Trial Examiner Batten: How many of those clippings were brought down and discussed prior to the freeting of March 18th?

A. Well, all of them that came out in the Post were brought down by these girls about that time; I think there [fol. 4221] was a week or two, something like that, maybe longer than that; I can't remember that long.

By Miss Weyand:

Q. But you had been discussing the strikes, you think, for several weeks before Mrs. Reed's speech?

A. Oh, it wasn't a great number of weeks.

- Q. Could you give us the best recollection you have of how many weeks it was?

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A. During the first part of March.

Q. Do you think it was from early March until March

A. Well, I know we discussed all that came out in the papers at all times, before Mrs. Reed spoke and after.

[fol. 4223] Q. How many girls were excited or upset before the March 18th speech, in your opinion?

A. All of them I talked to were.

Q. How many days before had they been excited or upset?

A. Ever since the articles started appearing in the

papers.

Q. Was that a week, in your estimation, or ten days?

Mr. Reed: I submit this has been gone over two or three times in the last few minutes.

Miss Weyand: She hasn't given me a definite answer as to how much time this had been going on prior to the March 18th speech, and I would like a definite estimate from her as to how long this had been going on.

Trial Examiner Batten: I think she has testified ever since the articles, and she testified they were from the [fol. 4224] first part of March to the date of the meeting.

By Miss Weyard:

Q. Is that correct, is it your recollection that it was from those articles down to the date of the meeting?

A. Yes, that is my recollection; I could be wrong.

Q. It is your definite recollection that for a considerable number of days prior to the March 18th meeting, the girls were agitated, excited, and upset?

A. That's right.

Q. Are you certain it was as long as a week before?.

A. I am certain it was, yes.

Q. When did you first hear that there was going to be a meeting of the employees on March 18th?

A. Did you say when or where!

Q. When?

A. It was that day. That was the first day it had been discussed in my hearing.

It was at lunch that it was first discussed?

Yes, that was the first I heard of it. A.

What did you hear at lunch about the meeting? Q.

L heard the employees wanted a meeting, and that A. they had greed to meet on the second floor after work.

[fol. 4240] Q. Now, for the meeting of April 27—that is the date the Donnelly Garment Workers' Union was formed-isn't it a fact that the employees went down in sections so as to stagger the use of the elevators?

· A. They went down when they got off from work, and they get off at different times, so they probably didn't-

all go down at once.

Q. They went down in sections, didn't they? Didn't

your section all go down at one time?

A. No. Some of the girls dressed and some of them didn't; it just depended on whether they wanted to get out in a hurry after the meeting.

Some of them did what?

Some of them dressed, and some of them went down in their aprons. It was past working hours, and some of them dressed and some didn't.

[fol. 4241] Q. Now, isn't it your recollection that the employees did go in sections, so that they wouldn't crowd . these two elevators, to the meeting of April 27?

A. That isn't my recollection.

Q. It is your recollection-

A. -that they just went on down like they do in going home. The meeting was late enough that the sections that got off later than we did, or later than other parts of the building, could attend, too.g.

Q. Have you any definite recollection as to when that

meeting was held?

[fol. 4242] A. No. After working hours.

[fol. 4243] By Mr. Langsdale:

Q. At any rate, you knew that Miss Todd was president of the Loyalty League, didn't you?

A. Yes.

Q. And you knew that she presided at this meeting of April 27th, didn't you!

[fol. 4244] A. Yes, I did.

Q. I believe you stated Mrs. Reed did not read a letter from the I.L.G.W.U. at the meeting of March 18, is that your recollection?

A. That is my recollection.

Q. Did you hear the letter read at that meeting?

A. I believe one of the girls read part of one of the pamphlets that the girls had handed her out in front of the building.

Q. Do you know who that was that read the letter?

A. No. I don't.

Q. When you speak of "one of the pamphlets," the pamphlet contained the letter, didn't it?

A. Yes.

Q. But you know it was not Mrs. Reed that read the letter?

A. I know Mrs. Reed didn't read the letter: she was not there over 15 minutes, and I believe it was less than 15 minutes.

Q. And did you attend most of the meetings of the Donnelly Garment Workers' Union?

A. I wouldn't say that I did most of them. .

[fol. 4245] Q. I believe you stated that you never heard Mrs. Reed make a speech at any meeting of the employees, except that meeting of March 18?.

A. That's right, that is the only time I have ever heard

her speak.

Q. Mrs. Cooper, do you know how many days you have been here in the courtroom when testimony was going on, before you went on the witness stand?

Mr. Reed: Do you know how many days the case has been running, off-hand?

Mr. Langsdale: I am just asking her. I can tell you.

Mr. Reed: You can beat me.

A. I couldn't say exactly, because I was up here some parts of days.

By Mr. Langsdale:

Q. You were here during Mrs. Reed's testimony, or part of it?

A. Part of it.

Q. How many days were you here while Mrs. Reed was testifying?

[fol. 4246] By Mr. Langsdale:

Q. Were you here all the time she was testifying?

A. No, I was not; just part of the time.

Q. Have any executives of the Donnelly Garment Company been back in the audience with you while you have been here listening to Mrs. Reed's testimony?

A. Mrs. Reeves has been here.

Q. Mrs. Reeves has been here during all your testimony, hasn't she?

A. Yes.

Q. Do you know what her position is with the Donnelly Garment Company?

A. She is the merchandising manager, something along

that line, anyway.

Q. Do you know of any occasion at all, from the time you went to work for the Donnelly Garment Company up to July, 1937, when anybody passed any paper around through the machines in the factory, except on March 17, 19377

A. I couldn't recall any special papers; it has always

been the practice since I have been there.

[fol. 4247] Q. Now, how many telephones did they have down at the Donnelly Garment Company, if you know?

A. Well, they have one in the lobby on the first floor, one on the 7th floor, and there is one on the 2nd floor, there is now; the 2nd floor was vacant at that time.

Q: Well, at that time they had one where? On the first

floor in the lobby?

A. Yes.

Q. And one on the 7th floor?

A. Yes.

Q. Now, was it the practice for any of the employees, any time they wanted to, to go and use those phones?

A. It certainly was.

Q. Did you ever see a line waiting?

A. Yes, every day.

Q. A long line of employees waiting to use the tele-

A. Yes, every day.

[fol. 4248] Q. Now, you stated that you understood Mrs. Reed didn't know anything about the March 2nd petition. What was the basis of your understanding to that effect?

A. Well, if someone was going to sign a petition like that and hand it to someone else, they certainly wouldn't go to that person, and tell them before that, that they were going to do that.

Q. Is that all you base your understanding on?

A. Well, yes, I guess it is.

Q. Now, you say that the Loyalty League was purely a social organization. Did it have anything at all to do with the Donnelly Garment Workers' Union?

A. No, it didn't.

[fol. 4252] 'By Mr. Langsdale:

Q. Do you remember reading in the Kansas City Times, [fol. 4253] on May 11, 1937, an interview by Senator Reed, and particularly this part of the interview, "The employees of this company aren't only satisfied, but on their own motion some months ago organized a Loyalty Learne to resist the activities of Mr. Dubinsky and his crowd." Do you remember reading that?

A. I remember that.

Q. Then you did have some information the Loyalty League was organized to resist Dubinsky and his crowd, didn't you?

A. After all, Mrs. Reed does run the Donnelly Garment Company.

A. That was all the information, the only thing I had ever heard to that effect was in the paper.

[fol. 4271] HAZEL SAUCKE, a witness called by and on behalf of respondent Donnelly Garment Company, being first duly sworn, was examined and testified as follows:

Direct Examination.

Mr. Ingraham: Will you please state your name?

A. Hazel Saucke.

[fol. 4272] By Mr. Ingraham:

Where do you reside, Mrs. Saucke? Q.

A. Turner, Kans.

Where are you employed?

A. At the Donnelly Garment Company.

Q. How long have you been employed at the Donnelly

Garment Company?

A. Well, I started there in January of 1928, and then I moved away for a short period, and then came back. I am in my fifteenth year there.

Q. When you first went to work at the Donnelly Gar-

ment Company what kind of work did you do?

On a needle machine; just an operator.

Just a straight sewing operator?

A. Yes, sir.

[fol. 4273] By Mr. Ingraham:

Q. Have you ever worked on any special machine?

A. No. sir.

You have always done straight sewing? Q.

A. Yes, sir.

Now, were you employed by the Donnelly Garment Company in March and April 1937?

A. Yes, sir.

Do you recall attending a meeting of employees on April 27, 1937!

A. Yes, sir.

Q. Do you recall when that meeting was held

A. After working hours.

Do you recall where it was held? Q.

On the second floor of the building, I think. A.

Q. How did you learn that there was going to be such a neeting?

A. Well, it was just passed on to me from the other operators. They were all talking about wanting a meeting, or something, and it was just passed to me.

When you went to the meeting was anyone presiding

or did anyone act as chairman, if you recall?

A. Ves. I think Rose Todd was. No., Let's see. [fol. 4274] she was the one.

By Mr. Ingraham:

Q. Did you see Mr. Tyler at the meeting?

A. Yes, sir.

Prior to that meeting had you read in the papers reports of strikes that were going on in other garment " plants in Kansas City?

A. I had.

Now, did Mr. Tyler make any remarks at that meet-

Did he make a speech or say anything?

Yes. He old us that we had a right to form our own union if we wanted to, under, as I understood, the Wagner Act that we had a perfect right to form our own independent union, if we wished, or we could join any union, that we had that right of our own. .

Was a vote taken on forming a union or not?

A.: Yes.

Was the vote in favor of forming a union? Q. .

Yes, it was.

Were any cards passed out for the people that wanted to sign to do sof

Yes, there was.

Mrs. Saucke, did you vote in favor of forming a . union?

A. Yes.

[fol. 4275] Q. Was that the Donnelly Garment Workers' Union? A. It was.

Q. Why did you vote in favor of forming the Donnelly

Garment Workers' Union?

A. Well, just recently there had been strikes called here in Kansas City, and they were rioting and fighting and trying to force people to join the International Ladies' Garment Workers' Union, whether they wanted to or not; ey were being beaten into submission and made join, and I didn't see why we should do such a thing. I didn't see

any reason for joining that union, it had nothing to offer us, and it was a class of people—the way they were acting, I didn't care to be classed as one of them.

Q. Now, did you know of your personal knowledge of any of the rioting and violence that was going on at the Missouri, Gernes, and Gordon plants?

A. Yes, sir. I passed there every morning during that

trouble and I saw the trouble.

Q. What did you see?

A Fighting and running and screaming and arms flying. I saw the police wagon backed up there, too—twice I saw that, two different mornings when I came to work. And it certainly changed my mind, if I had ever had it made up to any other thing, that I didn't want to join that kind of a union.

Q. Did any other employees tell you that they had seen

[fol. 4276] the violence in these strikes? A. Yes.

Q. Did you hear any reports at the plant that the International intended to use the same violence against the Donnelly employees? A. I did.

By Mr. Ingraham:

Q. Did you hear any reports about what the International was going to do at the Donnelly plant?

A. Yes, I did.

Q. What were the reports?

A. Well, that our place was to be the next place attacked, and that what they were giving those girls up there wasn't anything to what they were going to give us, that they were going to use worse tactics of some kind, if possible, to make us join them.

Q. Were there articles in the newspapers at the time

about the violence at those strikes?

Ifol. 42771 A. There was.

ol. 4277] A. There was. Q. Did you read those articles?

A. I think I read everything that came out in the paper; I tried to.

Q. I will hand you Respondent's exhibit No. 18 and ask you if you recall reading the article in the Journal-Post of March 18, 1937.

A. Yes, I read that.

Mr. Ingraham: I hand you Respondent's exhibit No. 19 and ask you if you read that article that appeared in the Journal-Post on March 18, 1937.

fol. 42781 A. Yes, I read it.

Q. I hand you Respondent's Exhibit 27, and ask you if you recall reading the article in the Kansas City Star of March 17, 1937, entitled "The Sitters Block Their Door."

A. Yes, I read that.

By Mr. Ingraham:

Q. Miss Saucke, what effect did these articles have on

you?

A. Well, it put fear in me for one thing, when I saw what we were headed for, if they weren't stopped some way. There was just going to be a fight and I never had taken part in anything like that, and I certainly didn't want to, and I was disgusted to think that American people would get so low as to fight that way and try to prevent honest working people from making a living, and compel you to join something you didn't want to; even though those people weren't paid good, they here going to be compelled to join a union that they couldn't pay dies in, perhaps, and I certainly didn't think we needed any union like that at that time.

Q. What, if anything, did the employees do on or about

March 18

A. Well, we were all just talking and worrying about what was going to take place and wondering what we could do.

Q. Did you hold a meeting?

[fol. 4279] A. Yes. We kept talking about why couldn't we hold a meeting and do something and see what we could

do, because we didn't want trouble like that, we never had had any trouble.

Q. So that a meeting-or did you hold a meeting!

A. Yes, about that time.

Q. Where was the meeting held?

A. I think on the second floor, second or third. It was an empty floor.

Q. And what time during the day?

A. After working hours in the evening.

Q. Now, do you recall what was discussed at the preet-

ingf

- A. Well, we just wanted to know what we could do to protect ourselves, and someone suggested that we would like to hear from Mrs. Reed, to see what her views on it were. We just didn't know where we were at or anything, so someone suggested that we get her, and she came finally and talked to us a short time.
- Q. Do you recall whether or not Mrs. Reed made a statement that she would close the shop if it was unionized?

A. I never heard her make that/statement.

Q. Did you hear her make a statement that she wouldn't permit Dubinsky to tell her how to run her business?

A. I did not.

Q. Did Mrs. Reed say anything with reference to whether or not the employee could join or could not join a union?

[fol. 4280] A. She said they were free to join any union they wished.

By Mr. Ingraham:

Q. Do you know whether or not any action was taken by the employees at that meeting with regard to consulting attorneys? A. Yes, there was.

Q. What was that?

A. Well, we chose a committee to interview some lawyer, to see what we could do; we appointed a committee, rather we voted on it.

Q. Do you recall who was on the committee?

A. Rose Todd was one, and I believe Sallie Ormsby—there were three. I don't remember the third.

Q. Did you observe that other employees were excited and wrought up about the strikes at the other plants?

A. Very much so, I did.

Q. Now, Mrs. Saucke, did any representative of the Management, or any officer or official of the company request you or suggest to you that you go to that meeting?

A. No, sir.

Q: Did you go to that meeting of your own free will?

A. I did.

Q. Did you have any feeling that if you didn't go to the [fol. 4281] meeting you might be fired? A. No, sir.

Q. Did you hear that any representative of the Management had ever suggested to any other employee that he or she go to that meeting? A. No, sir.

Q. Now, did the strikes continue on after this March 18 meeting, the strikes at the other plants? A. Yes.

Q. I hand you Respondent's Exhibit 20, which is the front page of the Journal-Post for March 26, 1937, and ask you if you read the article that is entitled, "Violence Marks the Garment Strikes"?

A. Yes, I read that.

- Q. Did you read the continuation of that article that is in Respondent's Exhibit No. 207 A. Yes, I read that.
- Q. I hand you Respondent's Exhibit 21, which is the front page of the Journal-Post for March 23, 1937, and ask you if you read that article that is entitled, "New Disturbance Nets Arrests in Garment Strike"?

A. Yas, I read it.

Q. Now, during this time were there conversations around the plant with regard to these strikes?

A. There was.

[fol. 4282] Q. What effect did the strikes have on the

Employees?

A. Well, in fact, it cut down on our production quite a bit, we never knew from day to day whether we would be attacked as we went out of the building, or whether we would be able to get to work the next day without being attacked. We were being threatened all the time.

Q. Were these articles in the paper discussed by the

employees? A. They were.

Q. I'll hand you Respondent's Exhibit 22, which is the front page of the Journal-Post for March 25, 1937, entitled, "Battle Royal is Resumed at Door of Plant," and ask you if you read that article.

A. I couldn't swear that I read that one. I just don't

recall it.

Q. I hand you Respondent's Exhibit 24, and ask you if you recall reading the article that appears in the Journal-Post for March 31st, 1937, entitled, "Injunction "ops Hair." Pulling in Garment Strike".

A. Yes, I have read that.

By Mr. Ingraham:

Q. Does that article refer to an injunction of Gernes, Gordon and Missouri Garment Companies, that they were trying to get?

[fol. 4283] A. It does.

Q. I'll hand you Respondent's Exhibit 26, which is an article appearing in the Kansas City Times of March 23, 1937, and ask you if you recall reading that article?

A. Yes, I think I read that.

Q. Well, I'll hand you Respondent's Exhibit 28, which is an article appearing in the Kansas City Star of March 22, 1937, and ask you if you recall reading that article.

A. I read that.

Q. I'll hand you Respondent's Exhibit 29, article appearing in the Kansas City Star for March 25, 1937, entitled, "The Hair Pulling Grows", do you recall reading that article? A. Yes, I do.

Q. I hand you Respondent's Exhibit 30, article appearing in the Kansas City Star for March 30, 1937, and ask you if you read this article; it is entitled, "A Curb on Pickets".

A. Yes, I read that.

By Mr. Ingraham:

Q. I'll hand you Respondent's Exhibit 31, which is the front page of the Kansas City Journal Post for April 5, 1937, and ask you if you read the article which has [fol. 4284] a banner at the top of the page, entitled, "Twenty Women Strikers are Cited"!

A. Yes, I did.

Q. I will ask you if you read the article appearing in the Kansas City Journal-Post for April 6, 1937, entitled, "Strikers Again Bar Three Garment Plants"! This was Respondent's Exhibit 32.

A. I did.

By Mr. Ingraham:

Q. I'll hand you Respondent's Exhibit 33, and ask you if you read the article appearing in the Kansas City

Journal-Post of April 7, 1937, entitled, "Higgins Clears Non-Strikers Way to Plant".

A. Yes, I have read that.

Q. I'll hand you Respondent's Exhibit 34, which is an article in the Journal Post of April 10, 1937, entitled, "Garment Unions Get Closed Shops in Three more Plants," and ask you if you read that article.

A. I think I read that.

Q. Were these articles widely read by the employees of the Donnelly plant? A. I think they were [fol. 4285] Q. Did you hear a discussion of the articles by other employees? A. Yes, sir.

Q. What effect did these articles have on the employees

at the Donnelly plant?

A. Well, it made them nervous, and it made them angry and disgusted, and it made them—well, determined not to be whipped into submission of doing something we didn't want to do; the longer it went the more determined we were not to be one of them.

Q. Going back to the meeting of March 18, where Mrs. Reed speke, did you understand that that was a Loyalty

Leagre meeting! A. No/sir.

· Q. State whether or not you heard any discussion at the plant by any employees that that was a Lady League meeting! A. I did not.

Q. Did the fact that Rose Todd was a cive in arranging for the meeting lead you to believe it was a Loyalty

League meeting? \ A. \ No.

Q. Did the fact that Rose presided or spoke at the meeting lead you to believe it was a Loyalty League meeting? A. No, sir.

Q. Did any representative of the Management ever dis-[fol. 4286] cuss with you or discuss with any other employee in your presence the calling of any such a meeting? A. No, sir.

Q. Did you vever hear it said that the management

wanted the meeting held? A. No, sir.

[fol. 4287] Q. Did you feel free to express your views at the March 18 meeting, if you wanted to say anything?

A. I did.

Q. Now, after that meeting of March 18 were lawyers employed? A. They were.

Q. Did you know how the employees arranged for the payment of a retainer fee for the lawyers?

A. Someone mentioned at the meeting for each one

to contribute 50 cents to get the money.

Q. Did they hold a meeting for that purpose?

A. Yes.

[fol. 4288] By Trial Examiner Batten:

Q. Which meeting did you mean?.

A. The meeting we held—the meeting after the one at which Mrs. Reed spoke. The other meeting was held—

Q. When was the other meeting?

A. Sometime after March 18, about a week or I don't know just when.

[fol. 4290-4291] By Mr. Ingraham:

Q. Do you recall how much was contributed by the

employees at this meeting to pay the lawyers?

A. I don't know how much was contributed at that meeting. There was some contributed. But we voted to each contribute 50 cents.

Some was contributed right at the time?

At that meeting.

By Trial Examiner Batten:

Q. You are referring to what you call "the second meeting"!

A. That is right.

By Mr. Ingraham:

Q. Did any representative of the management request or suggest that you go to the meeting of April 27? —

[fol. 4292] A. No, sir.

Q. Had any representative of the management prior to that meeting ever suggested in your presence, to you or to any other employees, that the Donnelly employees form union?

A. No, sir.

Q. Did you feel any pressure was being brought to bear by the management to force you or cause you to vote in favor of forming a union?

A. No. sir.

Q. Did you feel that if you didn't go to that meeting you would be penalized by the management?

A. No, sir.

Q. Did the fact that Rose Todd presided at that meeting influence you in believing that the company was back of the meeting?

A. No, sir.

Q. The fact that Rose Todd was active at this meeting, and that make you believe that it was a Loyalty League meeting?

A. It did not.

Q. Did you believe that the meeting of March, 18 or the meeting some 10 days later or this April 27 meeting was a Loyalty meeting?

A. No, sir.

Q. State whether or not you voted in favor of forming the Dennelly Garment Workers' Union of your own free will.

[fol. 4293] A. I did.

Q. Were you a member of the Loyalty League?

A. I was.

Q. Will you state what the activities of that organiza-

A. As far as I knew, it was just social, just for having dances and getting up good times.

Q. Did you ever hear that the Loyalty League was a labor organization?

A. No.

5). Did you ever know that the Loyalty League had represented the employees in connection with terms and conditions of employment?

A. No.

Q. Did you pay any dues in the Loyalty League!

A. No, sir.

Q. Did anybody representing the management suggest that you join the Loyalty League?

A. No, sir.

Q. Did you feel that if you didn't join the Loyalty League you would be penalized by the company?

A. No, sir.

[fol. 4294] By Mr. Ingraham:

Q. State whether or not you consider the Donnelly Garment Workers' Union as the successor to the Loyalty League.

A. Repeat that question, please.

Q. State whether or not you consider the Donnelly. Garment Workers' Union the successor of the Loyalty League.

A. I do not.

Q. Is the Loyalty League still in existence?

A. It is.

- Q. Do you recall a petition being circulated among the employees on or about March 2, 1937?
- A: Yes. I remember a petition sometime that spring; I couldn't say just what date.

Miss Weyard. Mr. Tral Examiner, I would like to have Mr. Ingraham point out where the Loyalty petition comes within the terms of the offer.

[fol. 4295] Mr. Lane. The Board urges that the Donnelly Garment Workers' Union was formed with domination by the company. The circuit court says we have a right to show by the employees that they were not dominated.

[fol. 4297] Mr. Reed: I just want to remark, witnesses here have been cross-examined with respect to the circulation of this petition—I call it—that was handed to Mrs. Reed afterward. They have been examined here, and cross-examined about it at length—

Trial Examiner Batten: Who was cross-examined? I thought you mentioned a name.

Mrs Ingraham: Mrs. Cooper.

Trial Examiner Batten: But that was not for any purpose except credibility. That was obvious to everybody, I think, because afterwards she was simply asked about the names on there and whether it passed through, and then Miss Weyand examined her very carefully about the names preceding and following. It must have been obvious to everybody that that was merely a matter of credibility.

Mr. Reed: It is obvious to me the other way, that what they were trying to show, to susfain their charge, was that this paper was circulated by the instructors and that the people signed under some species of duress which they charge or imagine.

[fol. 4302] Trial Examiner Batten: The hearing will be in order. I think we are ready to proceed. Let's see, we have a witness, Mrs. Saucke. I think last evening, when we adjourned, there was a matter pending — just be seated, please — concerning the petition which had been circulated. Let's see, that was I.L.G.W.U. Exhibit No. 1 — what was the number of that?

Mr. Langsdale: Ten.

Mr. Ingraham: Ten.

Trial Examiner Batten: Ten. The question is whether or not the examination on that comes within the offers of proof. Mr. Ingraham, have you checked that matter?

Mr. Ingraham: I think that it comes within the offers of proof. It comes within the general language of the offers, the purport of the offers. I know that it is within the issues. The complaint charges that the document was circulated, as I recall it.

Trial Examiner Batten: Well, have you looked over those effers of proof?

Mr. Ingraham: Well, I couldn't find any definite place where the specific — where the document is mentioned.

Trial Examiner Batten: Mr. Tyler, did you get over

Mr. Tyler: Mr. Lane did.

[fol. 4303] Mr. Lane: Well, there was not in our offers of proof any specific reference to the March 2nd document, but certainly in the language of our offer there is room for the introduction of any testimony which tends to show whether or not on March 27 there had been created an atmosphere of domination by the employer.

[fol. 4304] Now, it is claimed by the Board here the circulation of this March 2nd document was an evidence of interference. We desire to show by the testimony of these employees that it was not, and within the scope of the remand I think it is proper to be able to show that.

Trial Examiner Batten: Miss Weyand, is that correct, the Board takes the position it was an act of interference and dominance which carried forward into the formation of the Donnelly Garment Workers' Union?

Miss Weyand: Yes, I think that is correct, but taking Mr. Lane's argument would mean that we retry every act of interference, restraint and coercion. Their offer was directed to merely showing that certain acts alleged by the Board hadn't interfered with these employees they listed and the nature of the March 18th meeting and the April 27th meeting, to show what the nature of the meetings were; and having regard to the language of this offer and its specificity, I do not believe it was the intent of the Court to let each of these witnesses retry each issue of interference, restraint or coercion which has been raised in the case. I think we are limited to trying here the -[fol. 4305] I probably shouldn't say trying — to listen to the evidence offered for the specific facts for which the witness is offered, and not for any other facts which happened to be in the case.

Trial Examiner Batten: Well, don't the offers include matters with relation to the Loyalty League?

Miss Weyand: They do contain matters with relation to the Loyalty League, however it has been the company's contention that the circulation of this petition was not an act of the Loyalty League, and—

Trial Examiner Batten: (Interrupting) Doesn't the Board take the position it was!

Miss Weyand: No, the Board, as far as I know, hasn't taken the position it was. They do take the position that it was a part of the whole stream of activities, of which the Loyalty League was one and the Loyalty petition was another, which were instituted by the employer for the purpose of interfering, restraining and coercing its employees, but the Board, as far as I am aware, hasn't taken the position the Loyalty petition itself was a Loyalty League activity.

[fol. 4308] Trial Examiner Batten: Well, you may proceed with your questioning, Mr. Ingraham.

[fol. 4309] By Mr. Ingraham:

Q. Mrs. Saucke, I was inquiring about a petition that was circulated among the Donnelly employees on March 2, 1937. (Handing petition to witness.) I will ask you if you recall whether or not you read that petition and signed it.

This petition is I. L. G. W. U. exhibit No. 10.

Trial Examiner Batten: Page 5961, circuit court record; isn't that right?

Mr. Ingraham: That is right.

A. Yes.

By Mr. Ingraham:

Q. You remember that?

A. I do.

Q. Do you remember reading an article in the Kansas City paper on February 26, 1937, that was entitled "Reopen a Garment Feud," respondent's exhibit No. 6?

Trial Examiner Batten: What page?

Mr. Ingraham: Circuit court page \$64.

By Mr. Ingraham:

Q. I hand you the exhibit and ask you if you will read it and state whether or not you recall having read it before.

[fol. 4310] A. I read that.

Q. Did that article have anything to do with your signing the March 2 petition?

A. Yes, it did.

Q. Did anybody representing the management of the company suggest or request that you sign the March 2 petition?

[fol. 4311] A. No, sir.

Q. Did you ever hear any discussion among the employees that the management wanted the employees to

sign the petition?

A. No, sir.

Q. Did you feel that you would be fired if you didn't sign the petition?

A. No, sir.

Q. Did you hear any talk at the plant that an employee would be penalized in any way if he or she did not sign the petition?

A. I did not.

Q. Did your instructor ask you to sign the petition?

A. No, sir.

Q. Who presented the petition to you, if you recall?

A. I wouldn't know which one of the two girls that brought the petition onto the floor handed it to me, but one of them handed it to me. Personally, I didn't know those two girls, only by their face. I knew they were employees.

Q. Were they employed in your section?

A. No, air.

By Trial Examiner Batten:

Q. Did you since find out who the two girls were, Mrs. Saucke?

A. Why, yes.

Q. Who were they?

A. One's first name was Inez, and the other one was Mary Sprofera.

[fol. 4312] Q. But you don't recall which one brought it to you?

A No I

A. No, I don't.

By Mr. Ingraham:
Q. Do you recall anything they said when they presented the petition to you?

A. I do.

Q. In substance, what was said?

A. She asked me to read it carefully and, if I felt that way, to sign it and hand it back. So, I did. I read it carefully and signed it and handed it back to her.

Q. Where were you when you signed it?

A. Atemy machine, working.

Q. Did the Leyalty League, to your knowledge, have anything to do with the circulation of that petition?

A. No, sir.

Q. Did you think that the Loyalty League was circulating the petition?

A. No.

Q. I hand you Board's exhibit No. 27, which is an article that appeared in the Kansas City Times for May 11, 1937, and ask you to read that article and—

Trial Examine Batten: Circuit court record?

By Mr. Ingraham:

Q. (Continuing)—and ask you to state whether or not you recall reading that.

[fol. 4313] A. I read that.

Q. Did the remarks attributed to Senator Reed in that article cause you or influence you in any way in remaining a member of the Donnelly Garment Workers' Union?

A. He was only stating what I had already made up my mind to from previous articles and things I had known of that Mr. Dubinsky had been doing. My mind was already made up that I didn't want to be run by his tribe.

Q. What things are you referring to, Mrs. Saucke?

A. Their violence and the way they had of getting members into their union, and their lies that they told on us—called us a sweatshop and said we were underpaid. It absolutely wan't so, and I resented it and resented it very much. That was the way they went at the public, was by telling these lies, and it certainly made a big impression on me that it wasn't the kind of people I wanted to associate with.

I saw with my own eyes and from the articles I read in every day's paper for a few weeks in Kansas City about

how they were beating and whipping and intimidating the workers at these plants at Twenty-sixth and Grand to get them to join.

I am sure I can absolutely say there never was a Donnelly operator injured at our plant or intimidated in any [fol. 43f4] way to make them join our union; not a one ever had their clothes tore or their hair pulled, or scratched and hurt. We were all glad to join our own union, while the other people were whipped into submission by brutality.

Q. The March 2 petition that you signed, did you sign that of your own free will?

A. I did.

Q. What caused you to sign that?

A. Well, they had been circulating lies about us having such a sweatshop. They even said we girls went out of there with our heads hanging on our chests, that we were so overworked. I knew that wasn't true, I had been there too long, and it certainly made me mad, and I wanted Mrs. Reed or the company to know that we were satisfied with our working conditions, because these lies were being circulated everywhere.

Q. Do you recall an N. R. A. hearing in 1935?

A. I think I remember something about that.

Q. Do you recall at that time what the International was—what charges they were making about the working conditions at the Donnelly plant?

A. I think I do.

Trial Examiner Batten: Mr. Ingraham, is that in the offer of proof, the N. R. A. hearing?

Mr. Ingraham: No. But the Examiner and the Labor Board laid great stress on the events that occurred prior [fol. 4315] to the effective date—

Trial Examiner Batten: I do not intend to go into that on these offers of proof.

Mr. Ingraham: Well, I will have to except to Your Honor's ruling.

Trial Examiner Batten: You may do so.

Mr. Ingraham: That is all.

Trial Examiner Batten: I think I stated pretty clearly, Mr. Ingraham, on these employees, I want to confine it first to these offers of proof. That is the thing that the circuit court clearly indicated I should have taken. Now, I am not making a ruling, as I said before, at this time that I will not take anything else, but I am going to take first the things the circuit court clearly indicated I should have received, and that is my reason for it.

Mr. Ingraham: At this time do you want me to make an offer of proof on these matters that I was going into?

Trial Examiner Batten: Of sourse, I don't know that it is necessary to make an offer of proof. If you want to, you can I haven't excluded it.

Mr. Ingraham: You have not excluded that testimony?

Trial Examiner Batten: No.

Mr. Reed: How, then, are we to try this case if-

Trial Examiner Batten: Well, Senators you are going to proceed, I hope, as I indicated yesterday, and I thought [fol. 4316] everybody understood, and take first the employees, in accordance with the offer of proof, which the court said I should have accepted.

Now, that is the plan we are going to follow.

Mr. Reed: I seem to be unfortunate. Every time I try to make a statement you interrupt me. I would like to make a statement for the record.

How are we to try this case if the Examiner undertakes to direct us as to what testimony we shall ofter first and not tell us what other testimony will be received, but withholds his decision until we have put our witnesses upon the stand and examined them, within the limitations that he has fixed; then, after that is all done, he may open up the case and try many other things.

Now, I simply protest that that method is unfair and I except to the ruling of the Examiner.

Trial Examiner Batten: I understood, Senator, you excepted to it yesterday. You stated, however, that if I intended to pursue that policy, you would comply with it.

Mr. Reed: We are forced to comply with it. I didn't state P-would voluntarily comply with it.

[fol. 4318]

Cross-Examination.

By Mr. Lane:

Q. Mrs. Saucke, I'll hand you Board's Exhibit No. 38 in this case, which is a portion of the Kansas City Star for Monday, April 12, 1937, containing the headline, "Wagner Act is Upheld", and I will ask you to look at that article and state whether or not you read that in the paper on that date or about that time.

A. I did.

Q. What effect did this article have on your mind, with reference to the question of forming a union of employees of the Donnelly Company!

A. Well, it gave me confidence that we had the right to go ahead and form a union of our own liking rather than

have to join the International Union.

Q. In direct examination you stated you attended the meeting of March 181

A. I did.

Q. And at that meeting there was some discussion about the matter of the employees employing counsel?

A. There was.

Q. What was said at that meeting with reference to

[fol. 4319] employing counsel?

A. Well, we didn't know what we could do for ourselves, and we had to have a lawyer to see what the law was, to see what steps could be taken for protection.

Q. Was anything said at that meeting about employing

counsel to form a union?

A. No.

- Q. When was the first time you gave any consideration to the matter of forming a union of your own?
- A. Well, April 27. That day was the day we formed our union.

Q. Had you, prior to that time, come to any conclusion yourself, as to the matter of forming a union?

A. Yes, I had been thinking for several days we should do something like that.

- Q. When, with respect to this article of April 12, did you begin to consider the matter of forming a union; was it after or before?
 - A. After.
- Q. Did you discuss the matter of the formation of a union with any other employees in the plant prior to the meeting of April 27, 1937?
 - A. Yes, I did.
- Q. Was that a matter that, from your own knowledge, was generally discussed around the plant among the employees?

[fol. 4320] A. Well, around the little clique that I was with, we were discussing it.

- Q. Can you name any persons with whom you discussed that matter?
 - A. Yes, I think I can.
 - Q. Will you name them, please?
 - A. Pearl Fields was one.
 - Q. What position did Pearl Fields have?
 - A. She was an operator.
 - Q. Was there anybody else?
- A. Pearl Black, and there was another one I was talking to at the same time—well, I can give her first name, Inez; I don't know her last name.
- Q.s Did you have any information prior to the time you went to the meeting of April 27, as to what was going to be discussed or taken up at that meeting?
 - A. No, sir.
- Q. How was it that you got notice of the meeting of April 271
 - A. Well, it was just talked around through the factory that we were to hold a meeting, and that our lawyer would speak to us.
 - Q. Yes. Did you have in mind taking up, yourself, at that meeting, the matter of the formation of a union? [fol. 4321] A. No. I wanted to listen to see what the lawyer could tell us.
 - Q. Where were you when you got notice of that meeting?
 - A. Well, at my machine.
 - Q. And what time of day was it the meeting was held?
 - A. After work.

• Q. Did you go there to that meeting in your uniform, or did you dress before you went to the meeting?

A. I was in my uniform.

Q. What time of day was the meeting held; can you fix the hour?

A. I think about 4:30 or a quarter of 5, something like

that; I think about 4:30.

Q. Were you ordered by your instructor to attend that meeting?

A. I was not.

Q. So far as you know were any girls ordered by instructors to attend that meeting of April 27?

A. No, sir.

Q. Did you ever hear Mrs. Reed or Mrs. Reeves or Mr. Green or Mr. Baty or anyone of the executives of the company, suggest to you or to anybody else in your presence, that the union of Donnelly employees should be formed?

A. No, sir.

Q. Did you ever hear any of those persons offer any inducements or make any threats if the union of the Don-[fol. 4322] nelly employees was not formed?

A. No, sir.

Q. Did any of those persons ever say to you or suggest to you that you should stay out of the International Ladies' Garment Workers' Union?

A. No, sir.

Q. Did you vote at that meeting of April 27 to form the union?

A. I did.

Q. When you voted did you do so, in your own opinion, acting on your own free will and without any coercion or suggestion or domination on the part of the management or anybody representing the management?

A. I did.

Q. Were you acquainted with Rose Todd?

A. Just slightly.

Q. How long had you known Miss Todd?

A. Well, I can't really say when I began to notice her going around with work, a year or more.

Q. Prior to April, 1937?

A. Yes.

Q. Will you describe what you observed Miss Todd doing in the plant?

A. Well, she was just a kind of a handy woman, as I looked at her, seeing about thread, and if a bundle was lost I have known her hunting certain bundles for a fast [fol. 4323] order, or something; I don't know what you would call her.

Q. Did Rose Todd ever say to you that she represented the management of the company in connection with its re-

lations to its employees?

A. No. sir.

Q. Did you ever get the impression that Rose Todd represented the management in any capacity?

A. No, sir.

Q. Did she ever hold herself out as speaking for the management in connection with the formation of a union, or anything having to do with the union?

A. No, sir.

Q. Did you know Hobart Atherton?

A. Who?

Q. Hobart Atherton.

- A. I. just knew him when I saw him was all.
- Q. Do you know what position he occupied?

A. No, sir.

Q. Did he ever say anything to you that indicated to you that he was a boss or that he was a supervisor or that he was speaking for the management in connection with the Donnelly Garment Workers' Union?

A. No, sir.

Q. Miss Baucke, I'll hand you Respondent's Exhibit No. 35 in this case, which has an item from the Kansas [fol. 4324] City Journal-Post on April 22, 1937, and ask you to read that, please. It is entitled, "Donnelly Worker will be sent to Union Convention."

By Mr. Lane:

Q. Did you read that article at the time it appeared, or about that time, Mrs. Saucke?

A. I did.

- Q. . What effect did that article have on your mind with respect to the formation of the Donnelly Garment Workers' Union?
- A. Well, it made me all the more determined that we needed some kind of an organization to make our own rules.

She put herself up, this Sylvia Hull, as a representative of our company, to go to this Dubinsky convention that they were holding back at Atlanta, and I didn't know anything [fol. 4325] about the convention; I didn't suppose the rest did. She took it upon herself to represent us, I suppose. We didn't know anything about anyone wanting to be elected.

Q. So far as you know, the Donnelly employees hadn't elected Sylvia Hull to represent them at the convention?

A. Absolutely not.

Q. And state what influence that had on you with respect to whether or not you would form your own union?

A. Well, I made up my mind it was time we formed

one.

Q. Were there any officers of the company of any executives or anybody you regarded as a supervisory employee present at the meeting of April 27, 1937?

A. No, there was not:

By Mr. Lane:

Q. Did you ever hear of any influence being brought to bear or any inducements being offered by anybody representing the management, upon any employees, to either form or join the Donnelly Garment Workers' Union?

A. Iodid not.

Q. Mrs. Saucke, were you in the Donnelly plant on the morning of April 23, 1937, as far as you remember? [fol. 4326] A. I was

Q. That is the day following the announcement in the Kansas City Journal that Sylvia Hull was to attend the

convention? A. I was.

Q. Did you see anything occur in the plant that morning? A. Yes, I did.

Q. Where were you! A, When!

Q. Early in the morning.

A. Well, I went straight to my machine after timing in.

Q. What did you observe?

A. Well, I turned first to see if the girl, whom I thought was Sylvia Hull, was at her mackine in the next section, and she was. That is about the first thing I did.

Q. Did you hear any conversation occurring at her ma-

chine! A. I did.

- Q. Did you hear anybody make any threats to Sylvia Hull? A. No.
 - Q. How long did that occurrence last?

A. About 40 minutes, I think.

Trial Examiner Batten: Didn't that matter come up with the prior witness?. I think you, Miss Weyand, on cross-examination brought up that matter, did you not?

Miss Weyand: I did.

Trial Examiner Batten: Was that upon the basis of it [fol. 4327] being in the offer of proof?

Miss Weyand: My cross-examination was on the basis of the company having introduced the newspaper article, having the witness read it and state the effect of that newspaper article upon her mind. I then cross-examined her as to what effect she noticed in the plant.

Trial Examiner Batten: Well, do I take it by your position that you are agreeing at least to some degree with Mr. Tyler's position, that it is not only what they thought but whether or not the incidents actually occurred, and whether it was reasonable for a person to be excited, and so forth!

Now, if you go into the question of cross-examination of what actually did occur and whether or not the thing which occurred reasonable would cause these people to take the action they did, then aren't you following out Mr. Tyler's original position, and that is that not only what their frame [fol. 4328] of mind was, but whether or not their frame of mind was based upon a reasonable assumption.

Miss Weyand: On direct, Mrs. Cooper had testified that after reading this article the girls generally and she also reacted in a certain way.

Trial Examiner Batten: Yes.

Miss Weyand: I was cross-examining her to find out what specific indications of that reaction there was, if she saw the girls do things which would warrant her to testify to that description of them, that is, if she saw they

were upset, or said or did anything that would show they were upset or influenced.

[fol. 4329] Trial Examiner Batten: If that is the case, how did this Sylvia Hull incident arise? You could have conducted that without reference to this incident.

Miss Weyand: She said on direct examination that she read the newspaper article about Sylvia Hull, and that the next day, in the plant, she discovered other employees had read the same article, and that they felt that the girl and the union were usurping authority which the Donnelly Garment workers had never given, in announcing Sylvia Hull was a representative of the Donnelly Garment Workers. So I asked her, what did the girls say the next morning, that showed that they felt Sylvia Hull was usurping authority.

Trial Examiner Batten: Yes, but didn't you also say, didn't you use the incident the next day with respect to Sylvia Hull? Didn't you ask that?

Miss Weyand: Yes, I did, but she began denying, on cross-examination, she had seen anything happen, but on direct examination she had characterized the way all the girls felt, and what they did.

[fol. 4330] 'Trial Examiner Batten: (Interrupting) Miss Weyand, I can't help but feel your cross-examination with regard to that incident certainly raises the question as to whether or not these individuals are justified in the generalization which they make, and there is only one way to determine that and that is by exactly what happened, whether it is true or untrue?

Miss Weyand: I wasn't going into that.

Trial Examiner Batten: I know you weren't, but my point is, you opened that up. Now, how far you go with it, of course, is a matter of degree.

Miss Weyand: On cross-examination I am entitled to impeach the source of the knowledge of the reaction; that was what I was doing in that cross-examination.

Trial Examiner Batten: Well, of course, if that was your only purpose, you didn't indicate it. Well, we will recess until 25 minutes until 12.

[fol. 4331] Trial Examiner Batten: Another question that arose in my mind is this, Miss Weyand: I think you took the position that unless the Board questioned the mental reactions of these employees, which it did not intend to do, the issue would not arise as to whether or not it, in fact, was true.

I think I ought to have you clarify again the Board's position. Maybe I misunderstood it. In other words, if your first position with respect to these matters, these newspaper articles and the reaction which these employees had to it, was that you felt it wasn't material to the issues in this case but that the circuit court had indicated that it felt we should receive the testimony?

Now, it seems to me that you went on to explain that. When Mr. Tyler raised the point he did, about the truth of it, you said the only time that would become an issue would be if the Board questioned the attitude of these employees and went into that matter; then it would become an issue, whether or not it, in fact, was true, and whether there was a substantial basis for their opinion.

Now, it seems to me that we had better get this thing [fol. 4332] straightened out before we go any farther, because it certainly is not clear in my mind.

Miss Weyand: I made the statement that you referred to, in connection with my answer to certain remarks by Mr. Tyler in regard solely to the violence issue and the contract issue.

Trial Examiner Batten: Yes, as it affected the employees.

Miss Weyand: I said that the Board so far found no reason to question the employees' statements of the state of their understanding about riolence which occurred at other garment plants or their state of mind about the terms which were included in contracts which the International

Ladies' Garment Workers' Union entered into with other garment companies.

I did not intend by that statement to mean that I might not later, after hearing testimony more exaggerated than any in the record, raise a question as to their state of mind in respect to the violence or the contracts. I have not yet done it, at the present time.

Trial Examiner Batten: At that point let me ask you this question: It seems to me that you did with the prior witness—

Miss Weyard: No. That was not violence-

Trial Examiner Batten:

It seems to me you did—irrespective of your purpose, it seems to me you did, because you examined the witness as to whether or not there was a proper foundation for her general statement of all-of the people being excited; and [fol. 4333] so forth. Now, if you do that, you do it, irrespective of the statement of your purpose—unless the purpose is stated—for the purpose of either discrediting the testimony or generalization of it or to show that there was, in fact, no basis for her opinion.

Miss Weyand: I think you have misunderstood the remarks I was directing. I was trying to limit my statement to the fact that I did not as yet question certain states of mind, states of mind pertaining to the terms of other contracts or pertaining to the violence.

I have never indicated in this record, and I have no intention of indicating at this time that I do not intend to go into the state of mind of the employees' with respect to whether or not the Donnelly Garment Company did acts which led the employees to believe they were not free to join the International Ladies' Garment Workers' Union or were required to join the Donnelly Garment Workers' Union.

I believe, in the Sylvia Hull connection, that it is entirely proper cross-examination for me to inquire, when

on direct the company inquired "the witness as they did of Mrs. Cooper, what the effect of hearing that Sylvia Hull was going to a convention—

Trial Examiner Batten: You don't understand me, Miss Weyand. I am not taking the position that you had no right to. That is not my position. All I am saying is that it does appear to me to be inconsistent with some of your [fol. 4334] prior statements and that it does bring up the question as to whether or not we are going to go behind the beliefs and opinions of these employees. That is my point; not that you didn't have a perfect right to. But isn't it in line with Mr. Tyler's statement at the beginning? I think at the time I, in substance, agreed with him that the first matter is, What is the opinion of the employees? And that is the thing we should determine first, before we get to the question of whether or not there was a basis for that opinion.

Now, I don't know whether I make myself clear, but—And maybe we are getting into metaphysics here.

Miss Weyand: My remarks as to the beliefs I did not find it necessary then to challenge went to the beliefs of violence and contracts; not to beliefs of interference by the company.

Trial Examiner Batten: How was this interference by the company: I mean, the fact that these people were very excited, and so forth? Only upon your assumption that the Sylvia Hull matter was company-inspired.

Miss Weyand: That has been the Board's position, that if it wasn't company inspired, at least the company failed to take the steps it should have to protect the girls in their right to belong to an outside union. The courts have repeatedly dealt with eviction of employees and said that it is the duty of an employer to afford a girl protection so that she may work in the plant and at the same time be a [fol. 4335] member of any union she wishes to be a member of.

Trial Examiner Batten: That is true. But you are proceeding on the assumption that it was. Now, that is one of the things that will have to be determined as a result of the evidence in the hearing, as to whether it was or was.

not. And when you cross-examined this witness with respect to the Sylvia Hull incident, you were not cross-examining her, were you, to prove or disprove the company's connection with the incident?

Miss Weyand: My cross-examination of Mrs. Cooper was directed solely to a remark she made on direct—

Trial Examiner Batten: Just a moment, I want my question answered. Your cross-examination with respect to the Sylvia Hull matter was not for the purpose of proving or disproving the company's connection with the incident, was it, as far as Mrs. Cooper was concerned?

Miss Weyand: I should say that if my cross-examination had brought out a connection of the company with the incident, the Board would be entitled to rely on it in its decision.

Trial Examiner Batten: My question was, it was not your purpose in the examination, was it— That wasn't your purpose?— As I understood your purpose you stated a few moments ago.

Miss Weyand: My purpose was directed at credibility, but I don't believe that when I direct a question at credibility which is a proper question to direct at crediffol. 4336] bility I am to be barred from taking the answer and saying I wish to use it for something else if the answer developed into a statement of a connection of the company with the incident.

Trial Examiner Batten: But, Miss Weyand, there is the very thing that gets us into some of our difficulties. Now, I asked you yesterday if certain questioning was directed to credibility, and you said, "Yes." Now, I believe that in line with your statement you, then, would be barrefrom using that for any other purpose except credibility.

It is impossible for me as the Examiner in the hearing to use any sort of a yardstick by which I will accept or reject testimony except upon the basis of what counsel tell me. Now, if I accept it for one purpose, I do not believe it is accepted for all purposes, particularly on credibility, biased interest, and so forth, because you have a much

larger leeway under those purposes than you otherwise would, that I would not be willing to accept it for those purposes.

To get back to my question of a moment ago, your examination of this witness yesterday on cross with respect to the Sylvia Hull incident, as I gathered, was not for the purpose of proving or disproving that the company had anything to do with it.

Miss Weyand: That is correct. And I do not intend to make any claim that it should be used for any other purpose.

Trial Examiner Batten: But if it was not for that [fol. 4337] purpose but was for the purpose of showing that the witness lacked knowledge on the facts upon which she relied to generalize about the situation in the plant, then are you not questioning her opinion by showing there was no basis for it?

Miss Weyand: I am questioning her opinion and I was vesterday questioning her opinion. I do not mean to state, if I ask that question in the future I may not have a broader purpose—

Trial Examiner Batten: I am not asking you as to the future. If you were not questioning the factual basis of her opinion, then don't you bring up the very point that Mr. Tyler stated, that in addition to the opinion of these employees you want to determine whether or not, in fact, there was a basis for their opinion?

Miss Weyand: Just a minute. I think you are mistaken as to the basis of what opinion I was examining on. I was examining as to the basis of her opinion that the other girls were indignant. You will find her characterization of that on pages 4121 to 4123; that is the transcript of the present record.

Trial Examiner Batten: Whether it was her opinion or her opinion of the opinion of 1,200 other people, you questioned it, didn't you?

Miss Weyand I questioned her opinion of the opinion of other people as she gave it. I have a right to ask her

what the basis of her opinion of the opinion of other people is.

[fol. 4338] Trial Examiner Batten: Miss Weyand, don't misunderstand me. I say you have the right. I am simply trying to clarify this matter so that I may at least attempt to apply the same yardstick to all of the evidence which I receive here. If you believe that that generalization of what all of the other employees thought had, in fact, no hasis, I am not saying you do not have a perfect right to determine it by cross-examination. But if you do take that position, then it seems to me that does raise the whole general question as to whether or not any of this testimony about opinion and what they thought—whether there was, in fact, a basis for it. If not, where would you draw the line?

Miss Weyand: I would draw the line at the questions which I think are outside the issues in this case; that is, the contracts and the violence, which are outside the issues of this case as long as the Board says it is willing to take the employees' statements as to these matters at their face value. I do not say I would be willing as to every employee that comes in, but I have had no occasion up to this time to question the witnesses as to the violence or contracts. I do feel that the basis of their opinions, when the basis they are talking about is the opinion of other employees, must be inquired into.

[fol. 4239] Mr. Langsdale: Mr. Examiner, it seems to me there is an objection to this line of testimony being indulged in by Mr. Lane as to what actually happened in the Sylvia Hull demonstration. That was all gone into by witnesses, pro and con, at the last hearing, and no question was excluded.

Now, the only thing that is pertinent under the remand, in my opinion, is, "Did the Sylvia Hull demonstration affect your mind in any way that had anything to do with your joining the Donnelly Garment Workers' Union?" I don't see how it could have, but— My point is, they haven't any right now to retry the incident of the Sylvia Hull demonstration, because that was gone into without objection and without any exclusion whatever, and they can-

not come along now and by a raft of witnesses bolster up their version of what happened in that demonstration: If they do, why, we will come along with a few witnesses.

Trial Examiner Batten: You mean by your statement, then, the only question to this witness is, Did this witness see it or participate in it—

Mr. Langsdale: -or hear about it-

Trial Examiner Batten: —and if so, what effect did it have upon her

Mr, Langsdale: Yes. But not what happened, because that was gone into.

[fol. 4340] Mr. Tyler: Mr. Examiner, I want to submit that this subject of examination is proper wholly without regard to the purpose and intent of Miss Weyard's cross-examina-[fol. 4341] tion, because Your Honor is going to have to weigh whether this witness is telling the truth when she says the incident affected her. If her none answer were sufficient, this lawsuit would be over, because it is in the record, the statement and the proffer of statements of 1,200 employees as to what the fact was as to their choice, against which is only the statement of one discharged employee that she had a general feeling to the contrary, and another, that she was discharged.

If the answers themselves were sufficient—and I think they are—this case is determined, because it is inconceivable that a majority of 1,200 witnesses are either perjurers or don't know what they are talking about. But I realize that that viewpoint is overruled. Therefore, it becomes necessary for these witnesses to go farther than saying, "My belief was so and so." They must show facts making it reasonably probable that that is true.

Now, Your Honor is going to decide whether those facts are reasonably probable. If this witness said, "I believed the International was going to force us all to move to a plant in St. Joseph, Mo.", Your Honor would say, "That reason is absurd. They couldn't have had that reason." So Your Honor must weigh these reasons.

[fol. 4348]. Mr. Langsdale: Now, if the Examiner please, I am not clear in my mind whether I think you should admit or not the details of the Sylvia Hulf demonstration, but the fallacy in the Senator's argument and all of the reading of questions and answers that he did is shown in his last statement, where he stated if she had said she saw the incident, then what would the next question have been. But Miss Weyand never got that far. Now, my thought is that she had a right to find out whether she saw it or not or heard about it or not, before she could claim whether it had any impression on her whatever. But to go into all of the details is something she didn't do, although the Senator says that would have been the next question.

[fol. 4349] Trial Examiner Batten: There is no claim, Mr. Langsdale, that the incident had any effect on the witness.

Mr. Langsdale: Then, it isn't material from any angle, is it?

Trial Examiner Batten: That is what I had in mind a while ago when I said to Mr. Tyler, supposing this witness saw this incident, what effect would that incident have upon her. She read the newspaper article, it is true. She has testified that did have an effect upon her. And I asked Mr. Tyler, assuming she saw this incident, what effect did it have upon her?

Mr. Langsdale: I can't possibly see how it could have affected her one way or the other as to joining or not joining the Donnelly Garment Workers' Union or staying out of the I. L. G. W. U.

Trial Examiner Batten: You may proceed with your next question.

Mr. Lane. Now, Mr. Examiner, that matter is broader than Mr. Langsdale seeks to make it. Mr. Langsdale said awhile ago in his opinion we were foreclosed from inquiring into the facts of the incident, because the Board has made its finding on that and it was inquired into at the other hearing.

Trial Examiner Batten: I can clarify that by saying [fol. 4350] the Board has not made any findings and the

Trial Examiner has not made any findings. The Board's order and decision was set aside, so there isn't any Board's order and decision.

Mr. Lane: In our offer of proof we offered to show that the employees had no knowledge of any instance where the employer or any representative of the employer intimidated, coerced, or influenced any employee in the matter of joining one union or staying out of any other labor union. It is, therefore, pertinent to inquire as to whether or not in connection with this incident there was any pressure exerted on these employees.

Trial Examiner Batten: For what?

Mr. Lane: To join one union or stay out of another.

Trial Examiner Batten: Yes, I will go along with you on that. But whether or not the employer exerted any pressure to exclude these people from the plant I don't think is material under these offers. Yes, whether the employer in this incident exerted any pressure on the employees to join or not join the Donnelly Garment Workers' Union.

Mr. Langsdale: Or to stay out of any other union.

Trial Examiner Batten: Or to stay out of any other union, yes. I think I could agree with you on that.

By Mr. Lane:

- Q. When you got into the plant on the morning of April 23, what was your state of mind, after having read this account in the newspaper the preceding day, as to whether [fol. 4351] you were upset or disturbed by that article or by Fern Sigler's presence there or not?
 - A. I was very much upset.
 - Q. Did you talk to Fern Sigler?
 - A. No.
 - Q. I do not mean Fern Sigler. I mean Sylvia Hull.
 - A. I did.
 - Q. What did you say to her?
- A. As I remember it, the first thing I said to her—I asked her if she really had gone and put herself up as a representative of our company. I couldn't believe that she had done it.
 - Q. Did you get any answer from her?

A. I did not.

Q. I will ask you to state what you observed as to the attitude and reactions of the other employees who were in the vicinity of Sylvia Hull when you were there.

A. Well, they were just like myself, they were greatly.

upset and astonished at her.

Q. What did you observe that gave you that opinion?

A. Well, there was none of us felt-like working; we were in such a state of mind. And we kept asking her questions and she wouldn't answer but a very few.

Q. Did you go anywhere when Sylvia Hull left the floor

you were then on?

A. I did.

[fol. 4352] Q. Where did you go?

A. I went down on the seventh floor, to Mrs. Hyde's desk.

Q. Did Mrs. Hyde say anything to you?

A. She did.

Q. What did she say?

A. She asked me to please go back to my machine.

Q. And what did you do?

A. Well, I still wanted to go down and see who the other girl was. I didn't know the other girl. But she asked me repeatedly to go back to my machine and go to work, and I went.

Trial Examiner Batten: Now, you see, Mr. Lane, what this leads into. You are leading into trying out the whole issue.

Mr. Lane: I think I am entitled to.

Trial Examiner Batten: You mean, as to the

Mr. Lane: I am entitled to show whether or not there was anything in connection with that incident that showed whether the company was endeavoring to influence these employees.

Trial Examiner Batten: Influence them in what, to

Mr. Lane: To join one union or stay out of any other union.

Trial Examiner Batten: How could it influence this [fol. 4353] employee, the fact that Mrs. Hyde tried to get her to go back to work?

Mr. Lane: It has been stated here that the company did nothing whatsoever about it and condoned the action of these employees. Therefore, it is proper—

Trial Examiner Batten: Will you show me where there is any such contention as that, as far as Mrs. Hyde's or any other person's direction to this woman to go back to work is concerned?

Mr. Lane: I am saying it was the Board's contention in the previous hearing.

Trial Examiner Batten: Where in the previous hearing?

Mr. Stottle: The Board made that finding, Your Honor.

Trial Expenses Batten: Where is the finding! Made the finding that the company condoned this for the purpose of encouraging pubership in the Donnelly Garment Workers' Union!

Mr. Stottle: That is right. Or against joining the International.

Trial Examiner Batten: Well, let's have it, if that is the case.

[fol. 4354] Trial Examiner Batten: The question here is how and why the Donnelly Garment Workers' Union was organized under the offers of proof.

Mr. Lane: It is more than that.

Trial Examiner Batten: Just a minute, until I finish. It is more than that. In accordance with the offers of proof, they cover those matters rather specifically. My point is, how is the fact Mrs. Hyde told this employee to go back to work — has it influenced her in joining or not joining the Donnelly Garment Workers' Union.

Mr. Lane: Now, Your Honor makes repeated reference to the offers of proof and the Board's offers of proof. I find nothing in the opinion which confines the Intervener or the Donnelly Garment Workers' Union or the respond-



ent to specific offers of proof. The opinion says the evidence of the employees was to be taken, whether they were dominated or coerced.

Trial Examiner Batten: Of course, Mr. Lane, I am referring to my ruling that we are first going to take the testimony of the employees, in line with the offers of proof. Of course, if you cede this is in accordance with the offers of proof, it is not in accordance with my ruling.

[fol. 4355] Mr. Reed: The difficulty is we are trying to do the impossible, we are trying to separate evidence which bears upon the whole case and limit it to bear upon one feature of the case, and that feature of the case is an essential part of the case itself, so that our difficulty arises from that attempt to first try one particular question.

Now, you can't try that question, you can't try the very question here, without introducing evidence as to what took place. This lady saw it, and everything that took place there was dragged into this case by both sides before.

Now, this witness is asked how she felt, what her state of mind was; she saw this difficulty. What took place at that time would affect her mind, and what took place at that time would do something else; it would be a factor in arriving at any other conclusion whether the company was guilty of unfair labor practice by not going in and protecting these people.

Trial Examiner Batten: Well, of course, Senator, that is not because of the order of proof, and it is not because of the issues in the case. The difficulties that we are running into is that we are trying to explore the minds of people.

[fol. 4356] Mr. Reed: Yes.

Trial Examiner Batten: Now, I don't care whether it is a Labor Board hearing or what kind of a lawsuit it is, when you attempt to do as we are doing here, explore peoples' mental reactions and their opinions —

Mr. Reed: That is shown by what they do, isn't it?

Trial Examiner Batten: But you get into serious difficulty. I feel that is what the Circuit Court wanted done; within the limits of our ability, I am going to comply with the Circuit Court's decision. I have made my ruling we are going to proceed in that manner. If I am wrong, Senator, we probably will be back here again.

Mr. Reed: I think we will.

Trial Examiner Batten: Well, I hope I live to be here; I have enjoyed it very much thus far, but I made the ruling, and that is the ruling which we are going to follow.

Mr. Lane: In connection with this, on page 18, the Board says: "Without deciding whether the Respondent was responsible for originating and inciting these antifol. 4357] ILGWU demonstrations, we are convinced that the Respondent condoned, approved, and encouraged them. In the first place, the Respondent made no sincere efforts to check the demonstrators. During the demonstrations, instructors and some other supervisory officials stood by and made no effort to take steps which might have been effective in terminating the demonstrations," and so forth in that paragraph.

Mr. Lane: And to get our offer of proof, as we have read here, and I will read it again, "That they (the employees) have not been influenced by any threats, coercion or pressure of their employers, or any representative of said employers, and that they have no knowledge of any instance in which the employer or any representatives of the employer have exerted pressure, intimidation, coercion or any other influence upon the undersigned or any other [fol. 4358] employees to join the Donnelly Garment Workers' Union or to stay out of any other labor union."

Now, I say, therefore, it is competent for us to show in this whole instance there was no condoning on the part of the company, and as far as the attitude of the employees of the company was concerned, the company ordered them to go back to work.

Trial Examiner Batten: I agree with you. The first part you read, it might be interference and coercion. Whether or not it would have any effect on this employee's.

mind or attitude, I think, is an entirely different question. I still don't believe that answers my question, Mr. Lane.

Mr. Lane Well, the Board has taken the position, apparently —

Trial Examiner Batten: (Interrupting) The Board hasn't taken any position. The Board has set aside its decision and order, there is no decision and order in existence, so that can't be used as stating what the Board's edecision is.

Mr. Reed: Well, is there a record in existence that is a part of this hearing?

Trial Examiner Batten: Well, I would assume so, Senator. At least we started with page 3000 and something, so I assume something precedes it.

Reed: Well, the record is here, whether the Board did or didn't make a finding — we know it did make a find-[fol. 4359] ing: We know this point adverse to us was in the minds of the Court, and this case has been sent back here, and the Board is ordered to set aside its judgment and decisio and we are here now, prepared to try the issues in this case.

Trial Examiner Batten: That is the very point I am glad you mentioned, Senator. I have felt that way for some time, that the position of the Respondent is that on every point I passed, the Board made an adverse finding in its prior decision and order; that means the Respondent can now come in here in a further hearing for a specific hearing, and attempt to disprove all the adverse findings brought.

Mr. Reed: And that, not because of the adverse finding, but because we are entitled to put in this evidence, and the adverse findings simply go to this fact, that it is apparent that the Board has in its mind the importance of this question, and that their opinion was that we were guilty under this particular phase of the charge. Now, we come back to try it. We have the old record here and we have the right to meet every contention that is made. That contention is made by the Board today, although it set aside its findings, and the record is there, and it is here

now, undertaking to say that on that record made, which is now, as I understand, a part of this hearing, certain deductions we have drawn, and it drew them. Now, we come in and want to show the facts in this case; and to shut us off from that —

[fol. 4360] Trial Examiner Batten: (Interrupting) Of course, Senator, I can't agree with you that you are coming in here to show the facts; you are coming in here to show the facts on the basis of the remand of the Circuit Court.

Mr. Reed: I understand that, and you and I differ on that radically, on what the remand is, and we object to the ruling that has been made, to the effect that we are confined here to our offers of proof, and then we make the further point that our offers of proof are broad enough to cover every contention that we have thus far made in this case; and that we have the right now, under the offers of proof, to meet every issue in this case; and we object and except to any rulings to the contrary.

Trial Examiner Batten: Well, of course, I think the record is pretty clear, Senator, that you have excepted to all of these rulings.

[fold 361] Miss Weyand: I wanted to make a statement in connection with the discussion we were having, pertaining to the Sylvia Hull incident. There were some statements made here with reference to the Board's position that I don't acquiesce in.

Trial Examiner Batten: Well, is it necessary to continue it?

Miss Weyand: I wanted to make a statement in the record to clear up the Board's position, if I may. The complaint, of course, alleged that the Respondent discouraged membership in the I.L.G.W.U. by discharging Sylvia Hull, and it also alleged the incident in regard to Fern Sigler. It is my position that any of the matters alleged in the complaint are matters which the Board maintains as its position for the purpose of trying this case. I agree with the Trial Examiner, of course, that the Board's orders have been set aside, and we look to the complaint to see what the matters are that the Board is

[fol. 4362] trying the Respondent for. That is all I wanted to tay, except to indicate we do feel the Sylvia Hull and Fern Sigler incidents were very, very responsible and closely connected incidents in making the employees feel that when the Donnelly Garment Workers' Union was formed, they were not free to join a union of their own which, as I say, is very, very closely connected to restraint, interference and coercion in the circumstances under which the employees joined the Donnelly Garment Workers' Union.

Trial Examiner Batten: Well, I think I told you to proceed, Mr. Lane.

By Mr. Lane:

Q. Mrs. Saucke, I think you said in your direct examination that your resentment of Sylvia Hull claiming that she was to represent the Donnelly employees was such that you did not want to go on working while she was there in your section.

A. That's right.

[fol. 4364] By Mr. Lane:

Q. Mrs. Saucke, was anything said by other employees in your hearing in the section in which Sylvia Hull was, with respect to working while she was there, and if so, state what was said.

[fol. 4365] A. Yes, they did, a lot of them.

By Mr. Lane:

Q. Will you state, Mrs. Saucke, what was said by anybody in the section?

Trial Examiner Batten: Well, I'll object to that question and sustain my own objection. If this questioning indicates this witness can't identify what anybody said—
I mean the names of anybody— then I would say the proper foundation is laid for your last question.

By Mr. Lane:

Q. . Was anything said by any person whom you recognized as being one of the Donnelly employees, in that section?

[fol. 4366] A. Well, this girl that I have in mind that was talking to me, she didn't belong in that section.

By Trial Examiner Batten:

- Q. Well, was she an employee of the Company, do you know?
 - A. 'She was an operator.

By Mr. Lane:

- Q. Are you able to state the names of any persons you talked with?
 - A. I can name this girl.
 - Q. What was her name?
 - A. Christine Ereth.
 - Q. Are you able to name any others?
 - A. Ethel Riegel, Gertrude Dauben.

By Mr. Lane:

Q. Are there any others you can name?

A. There were lots of others, but those were the main ones I remember distinctly of talking to.

Q. Well, did you talk with others in that vicinity that morning?

A. Yes.

Q. Now state what was said by these other employees, as to their continuing work while Sylvia Hull was in that section.

[fol. 4367] By Mr. Lane:

Q All right. Mrs. Saucke, tell us everything you can remarker that was said by any employees in that section.

remarker that was said by any employees in that section.

A. Well, they were all so upset about it, and several of them, said, "Well, we just can't work, we can't set ourselves to work."

A. Ethel Riegel told me as long as Sylvia was staying, she couldn't and wouldn't go back to work, I remember that; and I said the same thing.

By Mr. Lane: 0

Q. Can you think of any other remarks that were made

that morning?

A. Yes, I was talking to her, and I asked her as long as she had joined the International, why she didn't go over to their sweat stops and work, and she didn't answer. She did [fol. 4368] hater on, when we were standing talking to her, make the statement that had she known we girls had felt toward her as we were showing how we felt, that she would not have done it. We asked her what right she had to appoint herself to represent we operators, when we had had no vote whatsoever as to sending anybody. In fact, we didn't even know there was a convention; we weren't interested. She didn't answer that.

Q. Well now, will you describe what you observed take.

place around Sylvia Hull's section?

A. She was sitting on the south side of her row with her back to the windows, and the girls came in between those two rows in the aisle, and we were talking to her; some of them sang a song or two, and others just kept fixing one question after another asking how why she did it. That was the main demonstration.

Q. Did you hear any threats made to her?

A. No.

[fol. 4369] By Mr. Land:

Q. Well, will you describe the conduct of the employees?

A. Well, they were all excited and wrought up and dis-

gusted with her.

Q. Did you see any violence there k

A. None whatsoever.

Q. Did anybody push her or shove her?

A. She was not touched.

Q. How long were you down on the 7th floor?

A. At what time? .

Q. When you went down to the 7th floor after this incident?

A. Oh, just a few minutes. I wouldn't say over three or four minutes.

By Miss Weyand: .

- Q. You work on the 8th floor, don't you, Mrs. Saucke?
- A. I do.
- Q. You are a pocket girl, aren't you, Mrs. Saucke?
- A. Most of the time

[fol. 4374] By Miss Weyand;

- Q. Were you working at the Donnelly Company when the Loyalty League was organized?
 - A. I was.
- Q. Did you participate in the formation of the Loyalty League?
- A. I was one of their first members—one of their charter members.
 - Q. When did you join?
 - A. I believe it was in 1935.

[fol. 4375] Q. Did you know of any activity or arrangements for the formation of the Loyalty League that were taken preceding the time you signed the card?

A. Yes. We had a mass meeting, as I remember it. .

Q. Did you attend that mass meeting?

A. I did.

Q. Where was that mass meeting held?

A. I couldn't say what floor, but it was an empty floor.

Q. It was in the Corrigan Building, was it?

A. It was.

Q. At what time of day was that meeting held?

A. I can't say.

[fol 4378] Q. When was the next meeting that you re-

A. I don't know how soon, but the next meeting that I remember of, we held a meeting to decide on a pin.

Q. Was that a mass meeting of the employees?

A. Yes.

Q. Where was that held?

A. On one of the empty floors, I don't know which.

Q. You are referring to the Corrigin Building?

A. I am.

Q. What time of day was that meeting held?

A. I couldn't say.

Who presided at that meeting?

A. I believe, Mrs. Gray, but I'm not positive.

Q. Was anything else taken up at that meeting other than choosing a pin?

A. The design of the pin.

Q. Were there any other subjects discussed at that meeting?

A. I don't remember.

[4383] Q. Did you regard the meeting of March 18 as a Loyalty League meeting?

A. What year are you talking about?

Q. 1937. The meeting at which Mrs. Reed spoke.

A. I do not ..

Q. How did you distinguish it from a Loyalty League

meeting?

- A. Well, it wasn't called any kind of a particular meeting, only just a mass meeting, to all go down to this empty room and talk and discuss what action we were going to take to protect ourselves from this violence outside.
- Q. Did the Loyalty League continue to exist after the organization of the Donnelly Garment Workers' Union?

A. Yes.

[4384] Q. How long did the Loyalty League continue to exist after the organization of the Donnelly Garment Workers' Union?

A. It still is in existence.

[fol. 4385]. Q. Are you certain that the Loyalty League has held any affair since April 27, 1937?

A. No, I'm not certain.

Q. Have you ever attended a meeting of the Loyalty-League since April 27, 1937?

A. J don't remember.

Q. Who have been the officers of the Loyalty League

since April 27, 1937?

A. Well, the president that we appointed after our union—our first president of the Loyalty League after that was Thelma Huffaker.

Q. Are you certain that she was not elected until the Donnelly Garment Workers' Union had been formed?

A. What was that?.

- Q. Are you certain that Thelma Huffaker was not chosen as president of the Loyalty League prior to April 27, 1937!
 - A. Well, it was after, as I remember.
 - Q. Do you remember how long after it was?

A. No.

Q. Was it a month? ..

A. I don't remember.

[fol. 4390] Q. Will you state the first meeting of the Donnelly Garment Workers! Union at which you recall speaking?

A. I can't do that.

- Q/ Did you take any part in making a speech, a motion, or other statements, at the first meeting of the Donnelly Garment Workers' Union?
 - A. I can't say whether it was at the first one or not.
- Q. What is the first time you recall making a motion at a Donnelly Garment Workers' Union meeting?

A. I can't say. I have made suggestions lots of times.

Q. Nesterday in answer to a question by Mr. Ingraham with reference to the March 18 meeting, you started to say that you spoke at a meeting and then said, "No, it wasn't the March 18 meeting." Do you recall that?

A. Yes.

Q. What did you have reference to on that occasion?

A. I had reference to the meeting we were discussing, how to raise the money for our lawyer; and, if I remember right, I suggested that we all contribute a dollar, but it was talked over and others suggested 50 cents would be enough. That is what I was referring to.

Q. Was that the first meeting at which you discussed

the matter of raising the lawyer's fee? ..

A. As I remember it, it was. That was the second meeting we held a

[fol. 4391] Q. What was the date of that meeting?

- A. It was sometime after that meeting of March 18. I couldn't say what date.
- Q. Did you at any subsequent meeting also make a similar motion?
 - A. I couldn't say.

Q. Did you ever get up at any other meeting and discuss what size the contributions for the lawyer's fee should be?

A. I have no idea what a lawyer should be paid.

Q. Did you ever get up at any other meeting and make a suggestion as to the amount the employees of the Donnelly Garment Workers' inion should each contribute to Mr. Tyler's fee?

A. I did that once.

Q. Only once?

A. That I remember.

Q. You are not certain that it wasn't more than once?

A. I am not certain.

Q. But you are certain it was at the second meeting of the Donnelly Garment Workers Union

Mr. Stotle. Now, if Your Honor please, that is embodying something the witness did not testify to.

Trial Examiner Batten: Read the question, please.

(Thereupon the last question was read by the reporter.)

Mr. Stottle. She says it occurred shortly after March [fol. 4392] 18, and the Donnelly Garment Workers' Union was not organized until in April.

Trial Examiner Batten: You mean the meeting-

By Miss Weyand:

Q. When you speak of the second meeting, what do you mean by the word "second"?

A. That was the meeting we held to see about raising \$500 fo. a retainer's fee for our lawyer.

Q. Was there a third meeting?

A. The next meeting that I remember of was the meeting when Mr. Tyler spoke to us, the first time I ever saw him.

Q. What was the next meeting after that?

A. After the one where Mr. Tyler spoke?

Q. Yes.

A. I couldn't say.

Q. Did you nominate any of the officers at the meeting at which Mr. Tyler spoke?

A. I don't remember.

Q. Did you make a motion at that meeting as to how the voting on the officers should be conducted?

A. I don't remember.

Q. Did you ever inquire at any meeting how many members the Donnelly Carment Workers' Union had?

A. I may have, but I don't remember.

[fol. 4393] Q. Did you ever run for office in the Donnelly Garment Workers' Union?

A. My name; at one election, was put on the board. We had two groups of names to vote on. I think it was for vice-president or something. I don't remember.

Q. Were you elected?

A. No.

Q. Do you remember what the vote was against you?

A. No.

By Miss Weyand:

Q. Do you remember what year you ran for this office?

A. No, I couldn't say.

Q. Do you know who nominated you?

A. No.

Q. Was it an individual who stood up in the meeting and nominated you?

[fol. 4394] A. We had a nominating committee.

Q. Do you know how that nominating committee was chosen?

A. By a vote of the union members.

Q. How many members of the nominating committee which nominated you did you nominate?

A. I don't remember nominating any.

Q. How many did you second the nomination of?

A. I don't remember.

Q. Did you second the nomination of any?

A. I don't remember.

Q. . You can't tell us whether you did or didn't?

A. No.

Q. Did you have any part in choosing the nominating committee that nominated you?

A. We all have a part.

Q. What part did you have?

A. A voting p t.

Q. Did you have any part other than the voting part?

A. We all have the right to nominate anyone we want for that committee.

Q. Did you nominate anyone?

A. I don't remember.

Q. You may have done it and you may not, you don't remember one way or the other?

A. That is quite a while back, and I have attended [fol. 4395] quite a few meetings, and I don't remember.

Q. Had you known you were going to be nominated before your name was placed on the blackboard?

A. I had not.

Q. How was the vote conducted on your election?

A. A standing vote.

Q. Were the people who stood up counted?

A. Approximately they were.

Q. Who did the counting?

A. I presume Rose Todd, she was in charge of the meeting.

Q. Was there a dispute after Rose Todd announced the result?

A. Not that I ever heard.

Q. Did they have to ask someone at the meeting their opinion as to whether the majority voted for one side of the other?

A. I don't remember.

Q. Didn't an instructor announce the side on which you weren't running had the most votes?

A. How was that?

Q. Did an instructor announce at the meeting that in her opinion the side on which your name did not appear had the most votes?

A. I don't remember that.

Q. Was the vote close?

A. No, I don't think it was.

[fol. 4296] By Miss Weyand:

Q. Your recollection is they did not have to call on any of the instructors present to tell which side had the most votes?

A. I don't remember that.

- *Q. You don't remember that Stella Willis got up and said that in her opinion the other side had more votes than you had?
 - A. I don't remember that.
 - Q. Were you interested in being elected?
 - A. Not particularly.
- [fol. 4397] Q. How many nominating committees were there?
 - A. There were two, if I remember right:
 - Q. And what did each nominating committee do?
- A. As I remember it, they chose the rows of officers; we had two rows; each committee chose one side, and then it was put on a board and we were to see it and vote on it, which side we wanted. That is the way I remember it at that time.
- [fol. 4399] Q. Do you know Mildred Mattox?
 - A. I know her when I see her.
 - Q. Where does she work?
- A. Well, I haven't seen her for several years, so I can't say; I don't think she works for us, but I wouldn't say for sure.
- Q. Do you know where she worked during the first two years of the existence of the Donnelly Garment Workers' Union?
 - A. No, I couldn't say.
 - Q. Did you know her personally?
 - A. No.
 - Q. Had you ever visited in her home?
 - A. Never have.
 - Q. Did you know what her character was?
 - A. No.
- [fol. 4416] Q. Are you certain that the meeting at which you made a suggestion as to the amount which you thought each employee should contribute to Mr. Tyler's fee occurred in March of 1937 rather than March of 1938?
 - A. Yes.
 - Q. Did you also make a suggestion in March of 1938?
 - A. I don't remember.

Q. Did you ever make a suggestion that you thought a dollar would be an appropriate amount for each employee to contribute?

A. I think I did that at that second meeting, when we

were talking about raising the \$500.

Q. And you are certain that occurred in 1937?

A. I am pretty sure it was.

- Q. There is no chance that it could have been a year later?
 - A. We were raising the \$500 that year, 1937.
 - Q. Didn't you raise a similar amount in 1938?

A. I don't remember.

Q. And you didn't make a suggestion about raising the amount in March of 1938! A. I don't remember.

Q. Is it possible that you could be mistaken about the

year? A. I don't think so.

- Q. Is there anything that fixes it in your mind as 1937 rather than 1938?
- A. We had to raise our first \$500. We didn't have any money.

[fol. 4417] Q. You did raise amounts subsequent to the first \$500, didn't you?

A. Along about—at that second meeting of 1937.

Q. But you also at later meetings raised \$500 or \$1,000 at different times, didn't you?

A: I don't remember that.

Q. You had no part in figuring out how those could be raised, as far as you can recall? A. How's that?

Q. You had no part in figuring out how any subsequent sums other than this first \$500 could be raised?

A. I don't remember.

- Q. Is it possible that it could have occurred and you do not recall it?
- A. Anything could have occurred, I guess, but I don't remember it.
 - Q. What time of day did this second meeting occur?

A. After work, in the evening.

Q. Do you recall any meeting subsequent to the second [fol. 4418] meeting of which you speak at which the manner of raising fees for Mr. Tyler was discussed? A. No.

Q. Did you ever contribute anything other than the original 50 cents to Mr. Tyler's fees; that is, other than

your regular dues? Did you ever make any other special contribution. A: I may have, but I don't remember.

- Q. I am going to ask you to look at the minutes of the meeting of the Donnelly Garment Workers' Union for Tuesday, March 8, 1938, being Board's exhibit No. 8-69, which appears in the Circuit Court of Appeals record at page 4463, and ask that you direct your attention specifically to page 4464, which is Board's exhibit No. 8-70.
 - A. What year was that?
- Q. 1938.

[fol. 4420] Q. The question was, did you attend that meeting? A. I think I did.

Q. Is that the incident you were referring to?

A. It is not.

Q. You made it on the second occasion, did you?

A. I evidently did. That refreshes my memory to that incident.

- Q. And this was not the matter you were referring to before?
 - A. No, but this does refresh my memory, and I did that.

Miss Weyand: I would like to have the witness examine Board's Exhibit No. 8-75, being the minutes of a meeting of the Donnelly Garment Workers' Union for Tuesday, April 5th, 1938, which appears in the record of the Circuit Court of Appeals, at page 4469, and I ask that the witness direct her attention particularly to page 4473 and tell me if she was present at that meeting, and if the events which she is listed as participating in occurred as there recorded.

[fol. 4421] A. I was there.

Miss Weyand: And did you participate in the nomination of Mildred Mattox? A. Yes, I did.

Mr. Lane: If the Examiner please, the Intervener Donnelly Garment Workers' Union objects to that question; whether this witness, Mrs. Saucke, participated in the nomination of Mildred Lattox in April, 1938, as a member of a nominating committee, whether this witness acted wisely or unwisely in so participating, or whether this witness was casually or intimately acquainted with Mildred Mattox doesn't throw any light whatever on the issues of this proceeding, it is entirely irrelevant and immaterial, doesn't even approach the issue we are here to try out, and I object to it for that reason.

Trial Examiner Batten: We will proceed.

Mr. Ingraham: Respondent makes the same objection.

Trial Examiner Batten: Overruled.

[fol. 4422] By Miss Weyand:

Q. And you participated as shown in these minutes, is

that correct? A. I guess I did. ..

Q. Will you look at the minutes of the meeting of the Donnelly Garment Workers' Union for Tuesday, April 26, 1938, being Board's Exhibit 8-82, which appears at page 4476 of the Circuit Court of Appeals record, directing your particular attention to pages 4479 to 4481, and tell me whether you attended that meeting.

[fol. 4424] By Miss Weyand:

Q. Did you attend that meeting? A. I did.

Q. Is that the meeting at which they voted on whether you should be a member of the committee?

A. It is. I wouldn't swear to that date, though. I don't remember what date that happened.

[fol. 4425] By Miss Weyands

Q. This is the meeting at which that occurred? The matters you read portray the events which occurred in that connection? A. It looks familiar to me.

Q. I notice the name of Stella Willis appearing here as making several statements. Could you tell me who Stella Willis is? A. I don't know her.

Q. You don't know Stella Willis?

A. I don't remember knowing her.

Q. You have not known anyone by the name of Stella Willis? A. The name sounds familiar.

Q. Who is the instructor of the button and buttonhole section?

Mr. Reed: When?

Miss Weyand: At the present time.

Mr. Reed: That is immaterial. It is outside the issues as they have been drawn here. A. I don't know.

Miss Weyand: You state ye a don't know.

Mr. Reed: Wait a minute.

Miss Weyand: Well, it is my understanding that Stella Willis is now the instructor of the button and buttonhole section, and I am asking this witness—

Trial Examiner Batten: She doesn't have to answer [fol. 4426] what position she has now, because it wouldn't make any difference as far as the issues in this case are concerned, as to 1939.

Miss Weyand; She said she didn't know who Stella Willis was and I just wanted the record to show how completely ignorant she was on what goes on there at the Donnelly Garment Company.

Mr. Lane: I object to the comment and move that it be stricken.

Trial Examiner Batten: Just a minute. I have said it wouldn't make any difference here, and she doesn't have to answer.

By Miss Weyand.

Q. Do you know who was the instructor of the button and buttonhole section in 1937, 1938, and 1939?

A. I do not, because that was on another floor and I never worked in that section. I wasn't interested in it.

Q. I notice here (referring to minutes) that Rose Todd called on a person by the name of Lola Skeens for her opinion. Do you know who Lola Skeens was? A. Yes.

Q. Who was Lola Skeens at the time of this meeting in April, 1938? A. She was an instructor.

Q. Was she your instructor at that time? A. 1938?

Q. Yes.

[fol. 4427] A. In 1937 and 1938 there were several changes in the instructors in the sections that I was in. Sometime during that time Lola Skeens was my instructor,

but I couldn't say that it was at this time. She was my in-

structor for about six months.

Q. Has this refreshed your recollection as to whether Rose Todd called upon Lola Skeens for her opinion as to which of the tickets had the majority vote?

A. No. I don't remember that part of it at all.

Mr. Langsdale: That was April 25, 1938, Miss Weyand?

Miss Weyand: The April 26, 1938, meeting.

Trial Examiner Batten: That is 8-82, if you have them . marked, Mr. Langsdale.

Miss Weyand: I am going to ask the witness to read the notes of the meeting held April 27, 1937, being Board's exhibit No. 8-1, appearing in the Circuit Court of Appeals record at page 4395, asking her to direct her attention particularly to page 4404.

[fol. 4433] Miss Weyand: The question which was pending when we recessed on Friday was whether or not the witness attended the meeting on April 27, 1937. I was asking her to read Board's Exhibit No. 8-1, appearing in the Circuit Court of Appeals record at page 4395, asking her to direct her attention particularly to page 4404. Do you care to look at it further this morning?

A. What was the question?

By Miss Weyand:

Q. You attended that meeting, did you? A. I did.

Q. Did you make the motion that the officers be voted on [fol. 4434] as a group?

A. I don't just remember; according to that report, I. did, and I suppose I did; but I don't just recall doing so.

By Miss Weyard:

Q. Did you know the meeting was going to be held for the purpose of electing officers prior to the time you got to the meeting? A. Ko. Q. You notice on page 4395, which is the first page of that minutes, that the second sentence there appearing; by Rose Todd, was, "I sincerely hope this meeting is going to be as enthusiastic as our last one was." Do you know what meeting she referred to by "our last one"?

A. I imagine it was that meeting we held where we were discussing the money to be raised for our lawyer.

[fol. 4435] Q. Who presided at the meeting described there as enthusiastic? A. The one previous to this?

Q. Yes. A. I imagine Rose Todd.

Q. Do you remember who presided? A. Yes.

Q. Was it Rose Todd?

A. As I remember, it was Rose Todd.

Q. What else occurred at that meeting ?

A. I don't remember.

Q. You will notice on the same page of the same minutes, that the next sentence Rose Todd begins, "As Chairman of Committee of Employees". Do you know what Committee of Employees she was speaking of?

A. Yes, I think I do.

Q. What committee is that?

A. Well, March 18 we held a meeting and appointed a committee to see about getting a lawyer.

[fol. 4436] Q. And you think that was the one?

A. I think that was it.

Q. That is your understanding of it?

A. That is my remembering.

Q. How was that committee appointed at the March 18 meeting?

A. As I remember it, different people suggested names; now, that is my recollection.

Q. Do you remember what names were suggested?

A. Rose was one, I think; Sallie Ormsby-I am not positive about that.

Q. Were those names voted on, or how were they made the committee?

.. · I think they were just—a motion was made and their names suggested, and it was seconded—I am not positive.'

Q. Was there anyone named who was not appointed on that committee? A. I don't remember.

Q. Do you remember what the size of the sum was you were going to raise at the second meeting? A. \$500.

Q. How many employees attended that meeting, do you

know? A. What was the question?

Q. How many employees attended that meeting?

A. I didn't count them.

- Q. Was it a mass meeting of all the employees of the [fol. 4437] Donnelly Garment Company?
 - A. It was supposed to be.

Q. Where was it held?

A. I think on the second floor.

- Q. How many employees did the company have at that time?
 - A. I don't know, but I think around 12 or 13 hundred.
- Q. Were you raising money for anything besides the \$500 for a fee for a lawyer?

A. That was the main thing.

Q. What was the other thing?

A. I didn't say there was any other thing. Q. Well, was there? A. I don't remember.

Q. That is the only thing you remember?

A. That was the main thing that we were discussing, to raise that money.

Q. Did you expect to raise money for something other

than the \$500 for the lawver?

A. I don't remember, but it stands to reason we would need other money for incidentals; I don't remember anything else was discussed.

Q. Did you contemplate that each employee would con-

tybute his share? A. I certainly did.

Q. Then, if you had made the suggestion that each em-[fol. 4438] ployee contribute \$1, you would have raised \$1200, wouldn't you! A. Yes.

Q. What did you expect to do with the other \$700?

A. Well, I expected we would have expenses; the lawyer certainly wouldn't go on representing us for that \$500.

Q. What did you expect the lawyer to continue doing for you?

A. Watching the law and advising us what we should do and explaining the law to us that we couldn't understand.

Q. I would like to have you look at the minutes of a meeting I showed you the other day, for April 15, 1938, which is Board's Exhibit 8-75, directing your aftention par-

ticularly to page 4473 of the Circuit Court of Appeals record, and I would like to have you look at the names which appear of the bottom of that page and the top of page 4474 of the Circuit Court of Appeals record, and tell me which of those names you recognize as persons who were instructors or thread girls in 1937 and 1938.

A. Shad I read them out as I recognize them?

Q. Yes, and state what their position was.

A. A motion was made by Fred Ellis that we elect two committees of 5 members each. I remember Fred Ellis.

Q. I want the names of the instructors and thread girls.

A. Jessie Mudd was a thread girl, I think, at that time. Nellie Biggs, Claris Martin.

[fol. 4439] Q. Was she an instructor or thread girl?

A. I don't know. I never worked under het.

Q. But she was one or the other?

A. She wasn't on my floor, so I couldn't say, but I think she was. I don't know for sure. Edna Rawlings.

Mr. Ingraham: Excuse me. Didn't she mention two names?

Mr. Langsdale: She didn't say what Nellie Biggs was.

Mr. Ingraham: You read out Nellie Biggs? A. Yes. By Mr. Ingraham:

Q. Did you say who she was?

A. She was a thread girl. Edna Rawlings has been a thread girl, but whether she was at that time of not I do not know. Here is Rose Todd, she wasn't in a section as a thread girl, but she had something to do about matching thread, but she isn't what an operator would call a thread girl, she didn't have anything to do with the operators. Now, on that list I have named, do you want me—

By Miss Weyand:

Q. (Interrupting) As you look back there, you did not name Rose Hendricks.

A. I did not see that name. It isn't here, or I didn't read—I was just reading the names underscored. Rose Hendricks was a thread girl in 1937, the spring of 1937. She was in 412.

Trial Examiner Batten: She was what, Mrs. Saucke!

A. In Section 412. That is all I recognize as thread girls.

[fol. 4440] By Miss Weyand:

Q. Do you know Hilda Richmond? A. Who?

Q. Hilda Richmond; her name appears there as one of the name. A. I don't remember the name.

Q. That is the name I am referring to, the fourth line from the bottom of the page on 4473.

A. Oh, let's see, I do:

Mr. Reed: Are those the minutes of the 1938 meeting?

Miss Weyand: Yes, they are.

Mr. Reed: This is not 1937 meeting, this is 1938 meeting?

Miss Weyand: That is correct.

By Miss Weyand:

Q. Did you start to say something about-

A. (In trupting) There is a Hilda who was an operator, there was a year or two ago, that I know, but whether that is her last name or not, I don't know. I know many operators only by their first names.

Q. This girl appears on the pay roll for 1937 under the

title of "Buying Records". A. Of what?

Q. Of "Buying Records", it is a pay roll budget arrangement. You wouldn't know that person? A. No.

Q. Do you know who Veda Hoyland was? Her name [fol. 4441] appears on the second line from the bottom on page 4473 of the Circuit Court of Appeals record. A. No.

Q. You told us, I believe, on Friday, you attended meetings regularly, of the Donnelly Union, through 1939. Is that correct! A. Pretty regularly.

Q. Were there a great many people that got up and made motions and statements whose position with the company you did not know? A. I don't think so.

Q. You think you know what position most everyone

held who made, a motion?

A. Not every one, but a good many.

Q. That would be especially true of those who made motions at repeated meetings, would it be?

A. Not always.

Q. And if you heard someone make a motion or a statement at five or six meetings, would you find out who she was? A. Had she made a motion that I questioned or didn't understand, I might have whispered to the next girl and asked who she was, but I don't think I did.

Q. You didn't find out, then, who people were that got up and made statements and motions repeatedly at meetings?

Mr. Reed: Now, she hasn't said that, and it isn't shown they made them repeatedly at the meetings. That is an assumption. The witness has very candidly answered the [fol. 4442] questions.

Trial Examiner Batten: I presume the question is those whom she did not know, did she make inquiries about.

Mr. Reed: That is not the question.

Trial Examiner Batten: Well, I am changing the question, Senator,

A. I wish she would repeat it again.

Trial Examiner Batten: Well, here is the question. Those whom you did not know, who regularly made motions or talks at the meetings, did you inquire as to who they were or what they did?

A. Had there been anyone I didn't know that made regular talks and motions and kept it up meeting after meeting, I certainly would have, but that never happened, to my knowledge.

Miss Weyand: I would like to have you look at the following pages on this record: first, the meeting of December 7, 1937, which is Board's Exhibit 8-50, and begin at record page 4444 of the Circuit Court of Appeals record, directing your attention particularly to page 4447 of the Circuit Court of Appeals Record.

Mr. Reed: That is a meeting of what date, please?

Miss Weyand: December 7, 1937.

Trial Examiner Batten: Mr. Ingraham, you have a copy of that which you can be reading while the witness is reading.

[fol. 4443] Mr. Ingraham: I want, if necessary, to make an objection.

Trial Examiner Batten: Mrs. Saucke, after looking at it, and before you give an answer, permit Mr. Ingraham or Mr. Lane, or any of counsel who desires, to make an objection.

A. What page was it you called my particular attention to?

By Miss Weyand:

Q. 4447.

Mr. Ingraham: Better read all that exhibit.

A. Yes, I am going to.

Mr. Langsdale: What exhibit is it?

Miss Weyand: Dis Board's Exhibit 8-50, that is where it begins.

[fol. 4444] By Miss Weyand:

Q. You have read those minutes, have you, Mrs. Saucke? . .

A. I have.

Q. Do your remember attending that meeting?

(No answer.)

Trial Examiner Batten: Unless there is an objection, Mrs. Saucke, you may answer.

The Witness: I didn't understand you.

Trial Examiner Batten: I say, there is apparently no objection, so you may answer,

The Witness: What year was that?

Miss Weyand: December 7, 1937. Examine the minutes as much as you want to, to determine whether you recollect being present at that meeting.

A. I remember the first part of this meeting but I don't remember the latter part.

By Miss Weyand:

Q. How far do you remember?

A. Well, I remember about stating that the bill might be 35 hundred or 4 thousand. I remember her saying that.

Q. That is Rose Todd's statement on page 4445 of the Circuit Court of Appeals record?

A. Yes.

Q. How much further do you remember?

Mr. Reed: The question was, whether she remembered being at the meeting.

[fol. 4445] Miss Weyand: Correct. And she said she remembered being at part of the meeting, and I wondered how much she remembered.

A. I remembered that much, and it's possible that I got up and left the meeting before it was over. Sometimes I did that, if it was necessary to get home sooner.

By Miss Wevand:

- Q. You do not recall hearing Stella Willis make the suggestion which appears at Circuit Court of Appeals record page 4447?
 - A. No, I do not.

Q.\ You do not know who Stella Willis is?

- A. Yes, I do know who she is, and I could have described her looks to you the other day, after you told me what she did. I knew her by face, but I didn't recognize the name.
- Q. Was she quite active at meetings in getting up and making suggestions and motions?

A. I can't say she was.

Q. She would get up about every other meeting and make a statement of some sort.

A. I wouldn't say that.

- Q. What is her position now, since you remember who Stella Willis is!
- A. She has something to do with the buttonhole and button section downstairs. I don't even know what floor it is on:
- Q. Do you know at this time she was the highest paid instructor the company had, making over \$200 a month? [fol. 4446] A. I never inquired as to the salary of my instructors or any other instructor. I didn't know how much they made.
- Q. Do you know how long Stella Willis had been with the company as an instructor?

A. I do not. ..

Q. You just knew she had something to do with the button and buttonhole section; is that correct?

A. Yes.

Q. I want to direct your attention to Board's exhibit 8-69, being the minutes for March 8, 1938, which begins at page 4463 of the Circuit Court of Appeals record, directing your attention particularly to page 4467 of the Circuit Court of Appeals record.

A. 4467! Q. Yes.

Trial Examiner Batten: Of course, that is the one your previously read, Mrs. Saucke. I presume you recognize that.

The Witness: Yes, I recognize the date of it.

(Thereupon the specified portion of Board's exhibit 8-69 was read by the witness.)

The Witness: What was your question?

By Miss Weyand:

Q. Did you attend that meeting?

A: I think I did.

Q. Do you recall Stella Willis getting up and making the suggestion which appears in the minutes at page 4467 [fol. 4447] of the Circuit Court of Appeals record?

A. I don't just recall that.

Q. Will you look at the minutes of the meeting of April 26, 1938, being Board's exhibit 8-82, beginning at page 4476 of the Circuit Court of Appeals record, directing your attention particularly to pages 4477 and 4481?

Mr. Reed: What is the date of this meeting?

Miss Weyand: April 26, 1938.

Trial Examiner Batten: I believe that is the one you read Friday, is it not, Mrs. Saucke?

Miss Weyand: Yes, she examined that Friday, but I would like for her to examine it further.

Trial Examiner Batten: I have no objection to her taking all of the time she wants.

Mr. Reed: Will you please read me the pending question?

Miss Weyand: I just asked her to examine-

Mr. Reed: I am asking the reporter to please read the pending question. I didn't understand you.

Miss Weyand: I just asked her to examine the minutes of that date. I will state a question first, if you prefer.

Mr. Reed: No: 4 just wanted it straight for the record:

(Thereupon the specified portion of Board's exhibit-8-82 was read by the witness.)

The Witness: Now, what was your question?

By Miss Weyand:

Q. Were you present at that meeting?

[fol. 4448] A. I was.

Q. Do you remember Stella Willis making the suggestion which is recorded on page 4477?

Mr. Reed: That is the sentence, if I understand this -:

"Stella Willis: I think it would be very nice and it wouldn't take very long."

Miss Weyand: Yes.

A. No, I do not.

By Miss Weyand:

• Q. Directing your attention now to page 4481, do you now recall her having stated her opinion as to which ticket won?

A. No, I do not.

Q. Will you please look at the minutes of the meeting of January 16, 1939, being Board's exhibit 8-138, which starts in the Circuit Court of Appeals record at page 4532, directing your attention particularly to pages 4536 and 4537 for a start of the court of the co

A. Now, what were the numbers you directed my attention to?

Q: 4536 and 4537.

(Thereupon the specified portion of Board's exhibit 8-138 was read by the witness.)

A. I have read it.

Q. Do you recall attending that meeting?

A. I think I was there.

Q. Do you remember Stella Willis making the suggestions which appear on 4536 and 4537?

[fol. 4449] A. I remember there were suggestions like

that made, but I don't remember who made them.

Q. Will you please look at the minutes of the meeting of February 10, 1939, being Board's exhibit 8-145, which begins at page 4530 of the Circuit Court of Appeals record, directing your atterior particularly to page 4541 of the Circuit Court of Appeals record?

Trial Examiner Batten: 4539?

Miss Weyand: Yes.

Mr. Reed: What is the date of the meeting?

Miss Weyand: February 10, 1939.

Mr. Ingraham: It is February 7.

Miss Weyand: That may be correct.

Mr. Langsdale: It is February 10 here (indicating). Written up on February 10, I guess.

Miss Weyand: Yes. February 7 is the date. And it should be the meeting of January 10 before— The meeting which I described as a meeting of January 16, 1939, the minutes were written up on January 16, 1939, but the meeting occurred on January 10.

Trial Examiner Batten: This is 8-145?

Miss Weyand: I was speaking of the preceding exhibit.

Now, coming to Board's exhibit 8-145, that is the minutes of the meeting of February 7, 1939, which were written up on February 10, 1939.

[fol. 4450] Trial Examiner Batten: The one you want the witness to look at is 8-145?

Miss Weyand: That is correct. I have mentioned the dates on which the minutes were written up rather than the date on which the meeting occurred. I have been correct all of the way through on the Board's exhibit number.

(Thereupon the specified portion of Board's exhibit No. 8-145 was read by the witness:)

[fol. 4451] Q. Do you recall what—had you finished?

A. Yes:

Q. Do you recall attending that meeting?

A. I think I do.

Q. Do you recall that Stella Willis asked the question which appears on page 4541?

A. I can't say that I remember that.

Q: Does reading over this series of minutes refreshyour recollection that Stella Willis was present at most of the meetings and usually got up and said something?

A. Well, it is there in black and white that she did.

Q... Do you recall now?

A. I wasn't paying much attention as to who—how many times any one person got up. We were free to get up and say what we pleased at any time.

Q. And you did not regard Stella Willis as a person who had a very high salary and who had been in a supervisory position with the company for a very long time?

[fol. 4453] A. I didn't know her salary but now you have told me, I don't consider it as a very big salary; we operators make that much during rush time, but I don't consider that an extra high salary.

By Miss Weyand?

Q. And as regards her occupying a supervisory position?

A. I don't know that she ever held a supervisory position. She is connected in that section in some way; I neverwas on the floor in that section where she works.

Q. You never investigated the exact status of those persons who got up in those meetings and made suggestions?

A. No. She was an employee of the company in a white uniform. She was one of us.

Q. Did Rose Todd wear a uniform in 1937 and 1938?

A. I don't remember that.

Q: Did you notice at the time of the nominations, April 5th, 1938, which is the nomination which you identified five persons who participated in the nomination as thread girls; did you notice that five thread girls got up and participated in that nomination at the time?

Mr. Reed: What meeting is that?

Miss Weyand: April 5, 1938.

Mr. Reed: That is the one the witness was examined about a minute ago?

Miss Weyand: Yes.

[fol. 4454] Mr. Reed: And said she didn't know?

Trial Examiner Batten: That is the one where she identified certain people listed in the minutes, Senator.

Miss Weyand: I will be glad to have her look at these minutes again, if it will help her to answer the question.

Miss Weyand: Those were the minutes introduced as Board's Exhibit 8-75, and the nomination to which I refer appears as pages 4473 and 4474 of the Circuit Court of Appeals record. The question is whether, at the time it occurred, you noticed there were five thread girls in succession got up and either made or seconded nominations.

Mr. Reed: That is assuming they were thread girls.

Miss Weyand: She has already testified they were.

Mr. Reed: Five?

· Miss Weyand: Yes.

Mr. Reed : Light't hear her. All right.

A. Now, what was your question!

By Miss Weyand:

Q. Did you at the time the meeting occurred notice that five thread girls got up in succession and either nominated or seconded nominations?

A. I never considered it in that way. I never noticed it. It wouldn't have made any difference if I had. They were all employees; I expect they had the same fear of being beat up as we did, by the International.

Q. Do you know anything about the way it happened

[fol. 4455] at this election? A. What year?

Q. 1938, that the two tickets brought in each had Rose Todd for president on each ticket, Jack McConaughey for treasurer on each ticket, and Margaret Green for secretary on each ticket? Mr. Reed: I object to that as immaterial; whether the witness noticed it, or didn't notice it, is purely immaterial in this case.

Miss Weyand: She was a candidate on one of the tickets for vice president, and I think she would be a good person to explain.

Mr. Ingraham: I didn't know there was a vice presidential candidate.

Trial Examiner Batten: Do you know anything about it?

A. I had nothing to do in making up those tickets, didn't know who was on those tickets until they were placed on the board in front of me.

By Miss Weyand:

.Q. And you didn't later learn how that happened?

A. I didn't even inquire.

Q. You don't to this day know how that happened?

A. You mean how those names-

Mr. Reed: (Interrupting), She has already said she was not present, that she didn't know how the lists were [fol. 4456] made up. Now she is asked if she didn't know how that happened; I object to it.

Miss Weyand: She indicated at that time-

Trial Examiner Batten: The question is whether she ever found out it occurred.

Mr. Reed: Then it would be hear ay.

Mr. Langsdale: That is not a question from the testimony in this case.

Trial Examiner Batten: Did you ever find out, Mrs. Saucke?

A. I never tried to find out.

By Trial Examiner Batten:

Q. Then, you didn't find out? A. I didn't ask.

.Q. Then, if you didn't ask, you didn't find out, did you? A. No, I guess I didn't.

By Miss Weyand:

Q. No one ever told you? A. Told me what?

How it happened? A. How what happened? That the same officers, with the exception of your name for vice president, appeared on each of the two tickets? A. Nobody told me, because I didn't ask.

Are you aware that the same thing happened the next year, that the president on each ticket was the same, and the treasurer on each ticket was the same, and the sec-[fol: 4457] retary on each ticket was the same, the only difference was in the name of the vice president?

Yes, I am aware of that.

Do you know how it happened that that was true the next year?

Well, now, this was 1939 you are talking about, isn't

A. 1939 would have been the next year.

1938?

Q. 1938 was the year you ran for vice president and the tickets were the same, and in April, 1939, the same: thing happened again. It is 1939 I am asking you about now. -

I am not aware why it was, unless everybody seemed to be perfectly satisfied with the way Rose Todd was conducting our union. I know I was.

Q. De you know why they nominated two nominating tickets if they were entirely satisfied?

Mr. Reed: Give us the question

Trial Examiner Batten: Read the question, please.

(Last question was read by the reporter.)

Trial Examiner Batten: Restate your question.

Miss Weyand: Do you know way, if they were ent(rely satisfied with Rose Todd and the other officers, the union selected two nominating committees and directed they bring in two tickets?

[fol. 4458] Mr. Lane: I object to the question for the reason it dears entirely in the realm of speculation.

· Trial Examiner Batten: No, she is asking this witness if she knews why.

Mr. Lage: Well, that is speculative and it is immaterial in any event.

Trial Examiner Batten: You may tell us, if you know:

A. Well, as I remember it, we had these two committees to form two lists for these elections, in case the majority of the operators, the employees, wanted a change, they had a right to go to those committees that was on their floor and representing them, and tell them that they would like a change. Well, everybody, to my knowledge, wanted to keep Rose Todd, and whatever officers, the main ones; they understood our union, they had been with it when it first started, they understood it better than I would, and why not keep her? She was successful. We had those two groups to choose those two lists to give the employees a chance to make a change if they so wished.

By Miss Weyand: "

Q. Were the instructors present at the meeting of April 27, 1937? A. I believe they were.

Q. Do you remember seeing any of the instructors pres-

ent at that meeting?

A. No, I do not, so I say I just think they were there, I [fal. 4459] think we all went down; but I am not positive.

Q. 'Did some of the girls, wear their uniforms to that meeting or only part of them?

A. Everybody that was around me had their uniforms

on; there were some that were dressed.

Q. Returning now to the Sylvia Hull incident on the morning of April 23, 1937, did you tell Sylvia Hill she would have to leave before you would go to work?

A. I don't believe that I directed it to her.

Q. Do you remember making that statement?

A. I remember saying that I couldn't work while she was sitting over there among us.

Q. Whom did you make that statement to?

A. I think I made that to Ethel Riegel and Christine Eret!:, I believe. I am pretty sure I did!

[fol. 4460] By Miss Weyand:

Q. Still referring to the same incident pertaining to Sylvia Hull, and you hear any other girl tell Sylvia Hull that she could not work until Sylvia Hull left?

A. Repeat that, please.

Q. Did you hear any other girl tell Sylvia Hull that she, the other girl, could not work until Sylvia Hull left?

A.. That was the general talk, that they couldn't work until she left.

Trial Examine Batten: Did you hear any other girl say that to Sylvia Hull?

A. Yes. That was the talk between us?

By Miss Weyand:

Q. Did they direct any such remarks to Sylvia Hull?

[fol. 4461] A. Yes.

Q. Do you know how many girls ment to Sylvia Hull and expressed that idea to her? A. Several.

Q. Did girls come from other floors of the plant to the eighth floor to speak or to look at Sylvia Hull?

A. I couldn't say.

Q. Did girls from your floor go down to the sixth floor to see Fern Sigler?

A. I didn't! I don't know about the rest.

Q. How did you happen to go to the seventh floor to ask Mrs. Hyde if you could go to the sixth floor?

A. When Sylvia got up to leave her machine I followed right behind her—three or four feet behind her, to see where she went. That's how I come to go to the seventh floor.

Q. How did you know there was a girl on the wixth floor wearing a pin?

A. It was generally discussed up there that there was

another one just like Sylvia's.

Q. How did you come to ask Mrs. Hyde if you could go to the sixth floor.

A. I dien't ask her. I said I was going.

Q. What songs did the girls sing?

A. The only one I remember was, "Hail, hail, the gang's all here." [fol. 4462] Q. Did Sylvia Hull try to keep on working while the girls were gathered around her?

A. A little while.

Q. Was the power shut off so Sylvia Hull could not continue working?

A. I don't remember.

Q. Did you lose pay for the time you spent at Sylvia Hull's machine?

A. I certainly did:

[fol. 4466]

Cross-Examination (By Mr. Langsdale)

By Mr. Langsdale:

Q. How close were you to Sylvia Hull on the 23rd of

April when this demonstration occurred?

A. Well, I believe our table would be about the width of this (indicating). She sat on the south side and most of the time I was on this aisle (indicating); I imagine that's about 4 feet.

Did you demand that, Sylvia Hull turn over ber Loyalty League pin?

I was one that said something about it:

Q. Why?

I didn't feel she was a fit person to wear it. A.

Q. Why?

For the stand she had taken against our company. A.

Q. What stand?

Putting herself up as an appointed representative of our employees to represent us at the Imernational Ladies' Garment Workers' Union, at the convention at Atlantic City:

What did you think that had to do with the Loyalty

Léague pin?

Well, it had Mot, in my estimation. Well, what? A.

Q.

I felt that she was very disloyal to we operators. A.

And you didn't think she had any right to belong to [fol. 4467] the Loyalty League and the International Ladies' Garment Workers' at the same time; was that it?

A. No, I didn't.

Q. Now, were you one of those who demanded that she make a speech?

A. No. To my recollection, I don't remember that.

Q. Did you hear anyone demand that she make a speech?

If I remember right, there was someone asked her to get up and explain her actions. I couldn't say who did it, though.

Did she give her Loyalty League pin to you? Q.

A. She laid it on the table.

And what was said about it by her, by you, or anyone else that you heard?

- A. When someone demanded it she said she pair 35 centsefor it, and I said—someone said—I don't know who said—"Give her her money."
 - Q. Did they do that?
 - A. Someone did.
 - Q. How'did they tender it to her, if you know?
 - A. Just handed it across the table to her.
 - Q. Wrapped up?
 - A. I don't remember.

[fol. 4470] 'Q: You said something about the meeting of. March 30—the time hasn't been fixed definitely, but some people said it was March 30—at which a motion was made for everybody to contribute 50 cents to Mr. Tyler's fee. Who made that motion; do you know?

A. Since reading these reports, I see that motion was

made more than once. I hadn't remembered it.

Q. Could you be mistaken about that motion being made at all at any meeting after March 18 and before the organization—

A. I made a motion at the meeting following March 18 to raise money. I couldn't say I made the motion; I suggested we take up a dollar collection. And then the motion was made—I don't know whether I made it or someone else made it—to cut it to 50 cents for each person to contribute.

Q. Did you give 50 cents on that occasion, at the meet-

ing after March 181

A. I did.

Q. To whom did you give that money?

A. Some girl in our section.

Q. What girl?

A. I said "some girl." I don't recall her name.

Q. How did you happen to pick on the girl to give it to as the one to give it to?

[fol. 4471]. A. I don't know, unless it was just someone who was capable of going ahead.

Q. Just one of these spontaneous sort of girls?

Well, in an organization you will have people who are more capable than others.

Q. Who was the capable girl you gave the money to in your section?

A. I said I didn't remember.

Q. . Was she also the Loyalty League representative in your section?

I don't remember. A.

Do you know whether she was or not?

A. I do not.

Where was she when you gave her your 50 cents? 0.

In the section. A.

The next day?

The next day. A.

You didn't dontribute any money, then, that night, the hight of the meeting?

I didn't. Some did, but I did not.
Did Rose Todd say that you could give the 50 cents to your representative the next day.

I don't remember that.

Q. Do you say she didn't say that?

A. I don't remember hearing it.

[fol. 4472] Q. Did you have anyone who was described as the representative except a representative of the Loyalty League at that time?

Mr. Reed: She hash't said it was a representative of the Loyalty League she was giving this money to.

Mr. Langsdale: I am asking the question, Senator.

Mr. Reed: I am objecting because it is a misquotation of the evidence.

Trial Examiner Batten: Will you read the question, please?

(Thereupon the last question was read by the reporter.)

Trial Examiner Batten: I don't think it is quoting the evidence. The question is, was there anyone in the section as a representative other than a representative of the Loyalty League!

Mr. Reed: What date is this?

Mr. Langsdale: This is that meeting that they say was held the latter part of March, 1937.

By Mr. Langsdale:

Q. Now, will you answer the question?

A. I don't remember that we had any other representative, because our union was not formed at that time.

Q. No. But you did have an officer in your section, of the Loyalty League, known as the representative, didn't you!

A. I presume we did.

Q. Do you know who the representative in your section [fol. 4473] was at the time you say you had this meeting to collect the money?

A. I do not.

- Q. Did the same girl collect money from others in your
- A. I don't think this girl I paid to, whoever she was, collected the money. We just went down to the end of the section and were just giving our money over.

G. Why did you go down to her?

- A. Well, whoever it was, someone just started her taking the money.
- Q. So you all just spontaneously went down to the same

A. We were glad to.

[fol. 4474] Q. What did Rose Todd say on the night of the 30th of March, or whenever it was, about the \$500 for Mr. Tyler?

A. I don't get the meaning of your question.

Q. Well, do you remember what she said about needing

\$500 to pay Mr. Tyler?

- A. Well, she said that that was what it would take; we [fol. 4475] had to raise that much money as a retaining fee.
 - Q. Where did she say she got that information?

A. What?

Q. Where did she say she got the information?

A. Where did she get it?

Q. Yes.

A. I couldn't say.

Q. When did she say Mr. Tyler wanted his money?

A. Well, I don't just remember, but I took it that we had to have that money before he would be bothered looking up the law and take our case.

Q. So Rose Todd told you, to get the money for Mr. Tyler, you would have to take up some money that night

to raise \$500, or make arrangements to take it up; is that right?

A. No. The meeting was open for suggestions. We had to have the money right away, because the quicker we got our lawyer, the quicker we could get to doing something to protect ourselves from this violence that was going on and that we were being threatened with, and we talked about how we could raise the money and we came to the conclusion to raise 50 cents each. Some of the girls threw the money upon the platform. And as I remember, it was said—I don't know whether she said it but I think she did—that we could pay it the next day bring it down to her.

[tol. 4476] Q. Did Rose Todd mention any other method she had of getting the \$5007

A. No, to my recollection she didn't.

Q. She said it had to be raised among you girls or Mr.

Tyler couldn't be paid; is that it?

A. I don't say it was just in those words, but that was the general supposition, that he wanted \$500 before he would start.

Q And you didn't learn of any other method she had of getting the money, on that night?

A. We thought that was the quickest and easiest.

Q. Did you learn of any other method she had?

A. I don't remember.

Q. Did you learn that that very day, before that meeting, she had been to the First National Bank and borrowed \$1,000 in the name of the Loyalty League to pay Mr. Tyler?

A. I don't know about that.

Q. Rose Todd didn't tell you at that meeting at which you say you raised 50 cents per person that she already had the money in the bank?

A. I don't remember.

[fol. 4478] Did Rose Todd or anyone else tell you, they paid Mr. Tyler \$500 to organize a union, to write up the working agreement?

A. 'Will you state that question again?

Trial Examiner Batten: Will you read the question, please?

'(Last question was read by the reporter.)

Mr. Reed: I object to that as calling for hearsay evi-

Trial Examiner Batten: You may answer.

A. I'den't remember.

Mr. Langsdale: You mean she didn't tell you that, or [fol. 4479] you just don't remember?

A fon't remember that she told us.

[fol. 4480] Mr. Langsdale: Let me ask you if you ever heard of this question and answer given by Rose Todd at that meeting:

"Question: I understand people are saying w paid Mr.
Tyler \$500 to organize our union,"

and Rose Todd answered: "As you know, and as we have explained quite thoroughly, we paid Mr. Tyler \$500 retainer fee, he helped us write up our by-laws and working agreement and advises and helps when we need it."

Did you hear that in that meeting?

[for 4481] A. It was generally discussed that our lawyer had been paid.

By Mr. Langsdale:

Q. \$500 for writing up the by-laws?

A. As a retainer fee.

Q. And writing up the agreement and the by-laws?

A. I couldn't say that was what he was paid for, he was paid to represent us, and let us proceed the way we wanted to do.

Q. . When did you think he had been paid some money?

A. I couldn't say, but evidently I thought he was paid [fol. 4482] or he woudn't have some down.

Q. Did you think the 50¢ you gave him on March 30 was to be given him, as Miss Todd said, \$500?

A. That is the way I understood it.

Q. And you understood that from what occurred at a meeting about March 30, the first meeting after March 18?

[fol. 4484] Trial Examiner Batten: Mrs. Saucke did you understand the question, or do you want it read again.

Mr. Reed: I submit no one can understand it.

A. I didn't.

Trial Examiner Batten: Would you like to have it read?

A. I.would.

[fol. 4486] A. I think I answered that that was rather mixed up, it seemed to me, it is not clear.

Triat Examiner Batten: Do you mean by that you don't understand it clearly?

Mr. Langsdale: May I withdraw it and approach it in a different way?

Trial Examiner Batten: You may restate it.

By Mr. Langsdale:

Q. You testified sometime near March 30 that you, with other employees, voted to raise the sum of \$500 by contributing 50¢ each, did you not? A. I did.

Q. Were you told the that \$500 was to be spent for a lawyer for drawing up a contract and by laws, the night

you raised it? A. As I remember, we were not.

Q. What were you told?

A. As a retainer fee for our lawyer.

Q. And what was he to do! - A. Represent us.

Q. Now, I'll ask you if Miss Todd explained at the meeting of March 30, or an one else explained at the meeting of March 30, or the meeting you talked about as being the first meeting after March 18, that the money was to be spent this way: As you know and as we have explained quite thoroughly, we paid Mr. Tyler \$500 retainer fee; he [fol. 4487] helped us write up our by-laws and working agreement, and will advise us and help us when we need it"? A. Now, what was your question to that?

(Last question was read by the reporter.)

Mr. Stottle: Mr. Examiner, that is objectionable, because it refers to by-laws that didn't exist on March 30th, it couldn't possibly have happened.

Trial Examiner Batten: The only question, it seems to me, is whether Rose Todd at the meeting at which they raised the money, whether she had explained it was to be paid as an attorney fee for drawing up the hy-laws and working agreement. Now, that is the question.

By Mr. Langsdale:

Q. Did she?

A. To my recollection, I didn't hear it,

Q. Did she tell you what Mr. Tyler was to do for the \$500?

Mr. Reed: I submit that has been answered a balf a dozen times. The witness said Mr. Tyler was to represent thems

Trial Examiner Batten: Was there anything further said by Rose Todd, except that Mr. Tyler was to represent you? A. That is all I can remember.

By Mr. Langsdale:

Q. Did anyone else say what he was to do in representing you! A. When!

[fol. 4488] Q. At the meeting when you voted the 50¢?

A. I don't remember,

Q. Did you ever learn from Rose Todd that she had paid \$500 retainer fee, and for that \$500 he had written up the by-laws and working agreement?

A. I did not. State that question against

Mr. Ingraham: She answered it.

By Mr. Langsdale:

Q. Now, did you ever learn from Miss Todd or the treasurer or from anyone else what Mr. Tyler did for the \$500?

A. As I understood it, it was his retainer fee, that he took that money in payment, that he would represent us and see what could be done.

Q. Whom do you mean, "us"! A. We employees.

Q. And you learned he had been paid \$560 for-

A. (Interrupting) With his presence coming there I supposed the had received it.

Q. When he came where?

A. To the factory, to our first meeting that he spoke, the day we organized our union.

Q. Now then, I understand you to say, then, that when he came to the meeting of April 27 and organized your union, you assumed he had been paid the \$500 or he wouldn't be there? A. I did.

[fol. 4489] Q. To whom did you talk before you took the witness stand about a meeting of March 18 at which a committee was appointed to visit attorneys?

Mr. Ingraham; I object to that.

Mr. Langsdale: I'll reframe the question. I withdraw the question as you have it, and will restate it.

Mr. Langsdale: To whom did you talk, if anybody, about a motion at the meeting of March 18, creating a committee of three to call on attorneys, before you took the witness stand in this trial?

A. Nobody that I know of.

Mr. Ingraham: I object to that as immaterial.

Trial Examiner Batten: Well, she said nobody.

Mr. Langsdale: You didn't talk to anybody?

A. Not that I remember of.

Q. Before you took the witness stand, did you talk to any counsel here about what your testimony was going to be?

Mr. Ingraham: I make the same objection.

Trial Examiner Batten: Well, you may state whether you did or not.

A. Well, may I have the question just before this last one! Read that again. I am not quite clear on it.

(Question asked for was read by the reporter.)

A. Nobody.

Mr. Laugsdale: Didn't you talk to any of the attorneys!

[fol. 4490] A. You had a question just following that.

Trial Examiner Batten: Now, read the next question, please.

(Question asked for was read by the reporter.)

Mr. Lane: Mr. Examiner, I submit after reading his question it is not understandable, did she at March 18th or preceding that meeting talk about any such a motion, or has she since that time talked about a motion having been made. I can't understand the question.

Mr. Langsdale: You haven't been listening, then. The question was, did she talk about anyone having made such a motion on March 18th, at that meeting, before she took the witness stand in this trial.

Mr. Lane: All right.

Mr. Langsdale: Now, she said nobody.

Mr. Langsdale: Now, I am asking you if you talked to any of the attorneys.

A. Now, this next question, please.

Trial Examiner Batten: The question is, did you talk to any of the attorneys.

Mr. Langsdale: About that matter.

Mr. Stottle: Is that confined to a time prior to July 15, 1939.

Trial Examiner Batten: Would you consider it objec-[fol-4491] tionable if it was subsequent, on a question of this kind?

Mr. Stottle: I thought Your Honor was ruling out everything.

Trial Examiner Batten: I am asking you, would you consider it objectionable to ask the witness whether she talked to an attorney about this matter without any reference as to time? Would you consider it objectionable in the light of my ruling?

Mr. Stottle: I would, if you are ruling out everything after July 15th, 1939.

Trial Examiner Batten: Well, I wouldn't on a question of this kind, if the question is the type of question I considerate to be.

A. Repeat the question, now, again.

Trial Examiner Batten: Did you talk to any attorneys about the matters you are testifying about here, that is, the meeting of March 18th, prior to getting on the stand?

A. Yes.

By Mr. Langsdale:

Q. You were here the day this hearing opened, were you not, Mrs. Saucke?

A. I don't know whether it was the day it opened or not.

Trial Examiner Batten: Which day do you consider it opened, Mr. Langsdale?

Mr. Langsdale: The day Mrs. Reed commenced to testify.

A. I don't know whether it was the first of her testi-[fol. 4492] mony when I came in or not.

By Mr. Langsdale:

Q. Well, you heard her testify, at least in part, didn't you?

A. I did

Did you attend this trial every day it has been held since you first appeared here?

A. No.

Mr. Ingraham: I object to that line of questioning, it is immaterial to any issue in this case.

Trial Examiner Batten: Well, in view of my ruling refusing to exclude them, I don't think we need to spend any time on it.

By Mr. Langsdale:

Q. Well, you heard Mrs. Reed's testimony, a part of it, didn't you?

A. I couldn't hear three-fourths of what she said.

Q. You did hear some of it?

A. 'A little of it.

Q. Now, what I am trying to ask you, is whether or not, since this trial started, you have talked to your attorneys about what your testimony was going to be.

Mr. Reed: She hasn't got any attorneys. .

By Mr. Langsdale:

Q. Well, have you talked to the husband of the president of the company since this trial started?

A. Not about this trial.

Q. Did you talk to him about other matters?

[fol. 4493] A. Well, this morning I mentioned the weather.

Q. Have you talked to Mr. Ingraham about what your testimony was going to be in this trial?

A. I couldn't put it just that way. I talked to Mr.

Ingfaham.

- Q. Well, did he ask you about anything that occurred down there at the Donnelly plant during March and April of '371
 - A. He asked me what I could remember.

Q. And you told him?

A. I told him all I could remember.

- Q. Now then, did you tell him about this motion that you say was passed in the March 18 meeting, creating a committee to call on the attorneys?
 - A. What was that?

Trial Examiner Batten: Will you read the question, please?

(Last question was read by the reporter.)

A. I don't remember.

Trial Examiner Batten: I might say I hope all the witnesses talked to their attorneys before they testify. It might expedite this hearing.

Mr. Langsdale: Of course she should, and she has a perfect right to.

Trial Examiner Batten: I understand. Mr. Langsdale, I made that remark with the thought it would help the hearing.

[fol. 4494] Mr. Ingraham: I would have asked the witnesses about the newspaper articles and showed them the

photostatic copies, but in view of Mr. Langsdale's remarks the other day, I just let the witness take the stand, and showed the exhibits in the case.

By Mr. Langsdale

Q. These exhibits you had, when they were handed to you by Mr. Ingraham, did you have any of those in your scrap book?

A. I don't believe I have. You can check those this

afternoon, when I bring my book. .

Trial Examiner Batten: Mr. Ingraham, I'll say now, if you want to have any other witnesses that you intend to call, to look at those before they do take the stand, I'll appreciate it, and certainly I'll indicate in the record clearly that it is proper for you to do so.

Mr. Ingraham: Well, it was the typical objection Mr. Langsdale has made in this case, so I would rather let the witness take the stand and read the exhibit.

Trial Examiner Batten: Very well. It is entirely proper for you to have them go over those.

Mr. Langsdale: Well, there will be no objection from me, and I told Mr. Ingraham this morning if he wants to conduct a school, and say, "Have you all read them," I will not even open my mouth.

Mr. Ingraham: I wouldn't have to conduct a school.

[fol. 4495] Mr. Langsdale: I didn't mean there was anything improper here. I meant to let them all read the articles.

By Mr. Langsdale:

- Q. Had you ever heard of Mr. Gossett and Mr. Tyler, before Mr. Tyler appeared at the meeting on April 27, 19374
 - A. I don't believe I had.
- Q. Now, you said that you personally saw some violence at these three places, at the Missouri, Gordon and Gernes factories, did you not, in your testimony?
 - A. I did.
 - Q. Where were those factories located?
 - A. A! Jut 26th and Grand.
 - Q. And how did you happen to see this violence?

A. Coming on the street car down the Main Street cut, you look down that 27th Street cut, that is where the trouble was, the front of the building. The papers stated most of the trouble was in the back of the building, it was bad enough in front.

Q. What did you see in front?

A. Milling around and fighting, and I saw the police wagon.

Q. And you are telling the Examiner you saw milling and fighting out in front of that building?

A. I did.

Q: Coming down on the street car?

A. I did.

[fol. 4496] Q. You didn't ride the buses then, did you?

A. Well, maybe it was a bus at that time; I was in a car or bus, coming to work down Main.

Q. I mean, did the Donnelly Garment Company provide buses for some of the employees to come to the factory in the mornings while these strikes were going on?

A. They did.

Q. And did you ride in any bus so provided by the Donnelly Garment Company?

A. I did.

Q. Now, was that while you were on those buses that you passed the scene of this strike?

A. I think I was on a street car.

Q. Well, you said you saw them every day?

A. No, I didn't say every day.

Q. Well, how many days did you see the things you claimed to have seen?

A. I don't remember how many days.

Q. Was it more than one?

A. Yes,

Q. How many days did you ride in a bus provided by the company?

A. About six weeks.

Q. And did they drive right along where you could see these fights?.

[fel. 4497] A. I am not positive, but I think I was on a street car when I saw it.

Q. When you say you go down the Main Street cut, you mean you went down Main Street to the Union Station?

A. I got on the bus at 31st and Main, rode right down Main Street past the Union Station.

Q. Where were these strikes going on!

A. On that 27th Street cut in front of this building.

Q. How far was that from the street car tracks?

A. Oh, I expect about a half of a small block. Those blocks aren't true blocks in there, but they are cut in angles, if I remember right.

Q. Do you know where the Gordon-Gernes building was at that time?

A. I think I do.

Q. Where?

A. Well, the address, I think, gives it 26 something Grand.

Q. Yes. Now then, you were going down Main Street, weren't you?

A. I was.

" Q. Between Main and Grand is another street, Walnut, isn't it?

A. It isn't cut through.

Q. But Grand is 300 — or 200 east of Main, isn't it?

A. First is Main, then Walnut, then Grand. Walnut [fol. 4498] isn't cut through out there, it comes on an angle, those streets aren't straight.

Q. How far would you say the Gernes Building was from the street car tracks?

A. I couldn't say in feet, but I was close enough to see what was going on.

Q. You don't mean it was half a block away, do you?

A. As I said, those blocks there are cut in angles, they are not true blocks, and Walnut isnot cut through there. If I remember right, they are peculiar, those streets, even Main doesn't run straight.

Q. Isn't there a building on the corner of 27th and Main — 26th and Main, on the southwest corner?

A. The southwest corner on Main?

Q. The southeast corner.

A. Yes, there is a building there.

Q. Well, you didn't see through that building, did you, as you rode along on the street car?

A. No. I seen right down that street.

Q. You had to get past that building before you could see down that street?

A. 'Here (indicating) comes Main Street; right here is an automobile building (indicating), I had to look past that; right here (indicating) is the front entrance, if I remember right, of those garment workers' building, and [fol. 4499] there is where this trouble was, and I was told it wasn't anything to what was going on at the back.

Q. What route did the buses, the Donnelly Garment Company provided for your transportation, take down-

town?

A. I got on it at 31st and Main, rode right down Main Street to 19th and Main, then we turned on Walnut into our alley.

Q. Then you took the same route the street car takes,

didn't you?

A. There are two street cars there, one goes down/past that Gordon building where the garment companies are.

Q. One went down through the cut on Main Street?

A. That's right.

Q. The other street car goes around northeast and goes down Grand Avenue? A. It does.

Q. Is that the route you took in the street car?

A. I said we come down to 19th and Main!

Q. Then, you had an opportunity to see this trouble from the bus, the same as you would from the street car?

A. That's right.

Q. And did the bus stop long enough to let you see what was going on over there?

A. It never did when I was on it, so I think yet I was on the street car when it happened.

Q. How many times did you see it?

A. I couldn't say definitely.

[fol. 4515] MARY WARTH, a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Direct Examination

By Mr. Ingraham:

Q. Will you state your name, please?

A. Mary Warth.

Q. Where do you reside? .

A. At 126 West 82nd Terrace, in Jackson County, Missouri.

Q. Where are you employed?

A. At the Donnelly Garment Company, 1828 Walnut Street.

Mr. Langsdale: I am sorry, what is her name?

[fol. 4516] A. W-a-r-t-h (Spelling).

By Mr. Ingraham:

Q. How long have you been employed at the Donnelly Garment Company

A. I went there on the first day of April, 1935.

Q. In what capacity are you employed?

A. I am a machine operator.

- Q. Do you do any special kind of work, on special machines?
 - A. Yes, I have worked mostly on special machines.

Q. What kind of machines?

A. Hemstitching, double stitching, air line tucking, scalloping, I don't remember the others.

Q. You were employed at the Donnelly plant during the months of March and April, 1937? A. I was.

'Q. Are you a member of the Donnelly Garment Workers' Union? A. Yes, I am a charter member.

Q. What do you mean, "charter, member"?

A. Well, I was there at the organization of the union.

Q. Do you recall when that occurred?

, A. On April 27th, 1937.

Q. Do you recall where that meeting took place?

A. Well, it was either on the second or third floor of [fol. 4517] the building, I couldn't be sure which; they were both unoccupied at that time, and I don't remember which floor it was on.

Q. Do you remember the time of day that the meeting occurred?

A. It was after working hours in the afternoon.

. Q. Did anybody representing the management ask you to attend that meeting? A. No, they didn't.

Q. Had any officer, executive, or anyone representing the management ever discussed with you the holding of such a meeting? A. No.

Q. How did you happen to go to the meeting?

A. Well, there was some girl in the section, we had been talking about it, naturally, for several days, some girl in the section said we were going to have a meeting after working hours that evening, to decide what should be done about protecting ourselves against the violence that was going on at some of the other garment factories at that time.

- Q. Now, what had been going on at the plants you referred to?
- A. Well, they were having a strike out there, and quite a lot of violence.
- Q. Had you personally seen any violence? [fol. 4518] A. Yes, I had.

· Q. What did you see?

A. Well, at that time I was riding the Main Street cars, and I came by there every morning on my way to work on Main Street, on the Country Club car, and I saw the fighting, hair pulling, kicking and so, on, and I knew a girl personally who was in it, and she had told me she had the sleeve of her coat torn out one morning going to work. She wore her hair tightly wrapped around, with a little beret to keep from having it pulled out.

Q. What effect did that violence at that strike have

upon you?

A: Well, I was just about afraid to try to go to work or go home.

Q. Was there a general discussion at the plant of the

violence that was going on at this strike?

A. Well, I think that was just about the only thing that was talked about in those days amongst the operators.

- Q. So far as you could observe, what was the effect upon the operators and other employees, of that violence?
- A. Well, they were all afraid of bodily harm, I, think; and a great many of them were really afraid to come to work.

Trial Examiner Batten: Just a minute. Will you try to keep your voice up, so everyone here can hear you, please?

A. I'll try to.

fol. 4519] By Mr. Ingraham:

Q. What do you mean by your last answer, that they were afraid of bodily harm?

A. Well, we had read in the paper a lot about the violence at the other plants, and how they had had their clothes torn and hair pulled, and we naturally didn't want that to happen to us.

Q. : Will you state whether or not or state why you

thought that might happen to you? ...

A. Well, we had heard by word of mouth and also had read in the paper, where we were really the main objective in their trying to organize the garment workers in Kansas City, and that these other factories were merely a stepping-stone to get to us, to increase their membership to the extent they thought they could organize the Donnelly plant.

Q. State whether or not any threats had been made

against the Donnelly employees.

A. Yes, we heard there had been, and this girl that I knew told us that they were going to try to organize us after they had organized those other places, and after they had been organized she told us she hoped we would never be foolish enough to sign up with them; that was after she had become a member herself, not through her own choice, but she had to, to hold her job.

Q. You said that there had been articles in the papers about the strikes at the other plants. I'll hand you Re[fol. 4520] spondent's Exhibit 16, and ask you if you recall seeing the pictures that appeared in the edition of

the Kansas City Times for March 18, 1937.

· A. Yes, I remember seeing those pictures.

Q. I hand you Respondent's Exhibit 18, and ask you if you recall reading the article that appeared in the Kansas City Journal-Post for March 17, 1937, entitled "Kansas City Garment Union Crews Sit in Lobby"!

A. I don't think I read that article; we didn't subscribe to the Journal-Post, and I didn't read all the articles

that were in those papers.

Q. Do you recall whether or not other employees at the plant had these articles, and they were generally discussed?

A. Yes, they were; I read some of them, but I didn't read them all.

Q. I will hand you Respondent's Exhibit 27 and ask a you if you recall reading the article that appeared in the Kansas City Star on March 17, 1937, entitled "Sitters Block a Door".

[fol. 4522] A. I remember it.

By Mr. Ingraham:

Q. What effect did that article have on you and on other

employees, so far as you could observe?

A. Well, of course, we were all very much upset about the reading of the article, because we were afraid that the same indignities would be practiced on us. No one contemplates with any very great joy having their clothes torn from them on the street and their hair pulled.

Q. State whether or not about that time any action was

taken by the employees.

A. Yes. We had talked for a day or two very seriously about what could be done in respect to something to protect ourselves, and on, I believe it was the day following that article, there was a mass meeting called of the employees in the building.

Q. This article is dated March 17. Was the mass

meeting the following day, on the 18th?

A. As I remember, it was.

[fol. 4523]. Q. Do you recall who called the mass meeting?

A: I don't remember that it was any one person. It seemed to be just sort of spontaneous. I know that in our particular section we were talking about it, and one of the girls at noon made the remark that, I believe, there were some girls—I don't remember what section she said they were from—told her to pass the word along that there was going to be a meeting of all of the employees that evening on either the second or third floor, I don't recall which.

Q. Did you understand that that was to be a meeting

of the Loyalty League!

A. No. I did not. I don't believe there was anything said about the Loyalty League in connection with the meeting; I don't remember it, if there was.

Q. Did Rose Todd preside at the meeting, if you re-

tall?

A. Yes, I think she did; not altogether, but she was on

the platform, I know ...

Q. Did the fact that Rose Todd took part in presiding at the meeting or the activities of the meeting indicate to you that it was a meeting of the Loyalty League?

A. No, it did not. Rose Todd was a person who was all over the factory, more of ess, at different times. She was very well acquainted with most of the employees, I think, and she was a sort of a natural leader, everyone liked her, and I think perhaps they just sort of chose her [fol. 4524] as a temporary chairman. That would be my idea.

Q. Do you recall what did occur at that meeting?

A. Not everything. I remember that Miss Todd spoke-

A. (Continuing) —and I believe Hobart Atherton made a talk, and later someone brought Mrs. Reed in and she talked to us for a few minutes.

By Mr. Ingraham:

Q. Do you recall how it happened that Mrs. Reed came to the meeting?

A. I think someone went for her, as near as I can remember.

Q. Will you state whether or not there had been any suggestion made by any employee at the meeting that Mrs. Reed be requested to come to the meeting?

A. I don't remember about that ..

Qo Now, when Mrs. Reed came to the meeting did she make a talk! A. Yes, she did, a short talk.

Q. Now, a witness—possibly two witnesses for the Board testified in this case that Mrs. Reed stated that she would close her plant if it was, unionized. I will ask you to state whether or not you heard Mrs. Reed make such a statement.

[fol. 4525] A. I did not.

Q. It has also been testified by one or the other of the Board's witnesses who testified about this meeting that Mrs. Reed stated that she would not let Dubinsky tell her how to run her business. I will ask you to state whether or not you heard Mrs. Reed make any remark like that.

A. Well, if I remember right, she said she wouldn't let Dubinsky force her to enter into a contract that was distasteful to her employees, or something to that effect. In other words, she wouldn't—I understood it that she wouldn't force us to join a union against our wishes—she wouldn't let anyone force her to do that.

Q. Now, do you recall any action taken by the employees at that meeting with respect to obtaining protection?

A. Yes. I don't remember who made the suggestion, but it was suggested that we seek legal aid to see what could be done to protect us from the violence that was being practiced on employees of other garment factories, and I think there was a committee appointed to attend to that, but I don't remember who was on the committee.

Q. Mrs. Warth, did any officer, executive, or anybody that was representing the management request you or sug-

gest to you that you attend this meeting?

A. No, they did not. In fact, I didn't discuss the meeting with anyone except the operators in my section, and in [fol. 4526] the lunchroom at the lunch hour we discussed it. But as far as I know, anyone whom I knew to be an executive of the company never mentioned it to me.

Q. Did your instructor at that time request you or or-

der you to go to the meeting?

A. No, she did. not.

Q. Did you ever hear discussed at the plant that the instructors or the employees that had authority to represent the management were directing and ordering employees to go to that meeting?

A. No, I never heard anything about that.

Q. State whether or not the violence continued at the Gernes, Gordon, and Missouri plants after the meeting of March 18.

A. Well, I think it did, as near as I can remember.

Q. I will hand you respondent's exhibit No. 20 and ask you if you recall reading the article that appeared in the [fol. 4527] Kansas City Journal-Post on March 22, 1937.

Trial Examiner Batten: Mr. Ingraham, I understood the witness to say they didn't take the Journal-Post. Of course, you may show it to her, but—

The Witness: We didn't take it, but some of the girls brought some of the copies down there and I read some of them, but not in their entirety.

By Mr. Ingraham:

Q. Will you look at this exhibit and see if you recall reading the article that has the heading across the top of the paper, "Violence Marks Garment Strike."

A. I don't believe I read that.

Q. Do you recall reading the article that appeared in the Kansas City Times on March 23, 1937, which is respondent's exhibit No. 26? It is entitled "Sue To Quiet Strikers."

A. Yes, I read that article.

Q. I will hand you respondent's exhibit No. 28, which is an article that appeared in the Kansas City Star on March 22, 1937, and ask you if you read that article. It is entitled "Fail To Stop Workers."

A. Nes, I read that article. .

Q. What was the effect of that article and the previous

article I have called your attention to on you?

A. Well, it made me very determined that something [fol. 4528] should be done about the violence. I just wondered when I would pass there on the streetcar where our law was, that they would allow such things to go on—such practices as that against women and girls who were going out and trying to make a living:

Q. State whether or not you observed that the other employees at the Donnelly plant were reading these same articles and that the articles were the subject of con-

versation at the plant? A. Yes, they were.

Q. What was the effect of these articles, so far as you

could observe, on the other employees?

A. Well, they all felt about the same as I did. They were very much afraid. In fact, some of them were so scared they asked for a leave of abjence to stay away from work for a time.

• Q.• I will hand you respondent's exhibit No. 29 and ask you if you recall reading this article that appeared in the Kansas City Star on March 25, 1937. It is entitled "The Hair Pulling Grows."

By Mr. Ingraham:

A. Did you read most of the articles that appeared in the Star and Times?

A. I think I read all of them, yes.

Why did you read them?

Welle I was very much concerned about what was going on.

Q. I'll hand you Respondent's Exhibit 30, which is an article that appeared in the Kansas City Star for March 30, 1937, and ask you if you read that article.

Yes, I read the article.

Now, I believe you stated a few minutes ago that at the meeting of March 18 a committee was designated to see what could be done to protect the employees; is that correct!

A.

Q. Will you state what occurred in connection with that designation of the committee? Did you ever hear of anything the committee did?

A. They consulted with Mr. Tyler, I believe, had a talk [fol. 4530] with him to find out what we could do, legally, take legal steps to protect us from the strikers and violence.

Did anything occur later that resulted in a meeting being held?

Yes. A.

Will you explain about that?

We had another meeting, a mass meeting, of all the employees, in the latter part of March, as I remember, at which meeting we were informed that the committee had consulted with Mr. Tyler and he requested a retainer fee, and I believe someone asked for a suggestion as to how we should raise the money, as I remember it. The suggestion was made by subscription, I think, of 50c, which was taken; some of the employees paid it at the meeting, and some paid the following day.

Q. Now, did any officer, executive, or any person that you thought was representing the management ask you to

attend this meeting that you have just referred to?

A. No. they didn't. Did anybody suggest to you, representing the management, that you contribute 50c?

A. No, no one representing the management.

Q. At what time of day was this meeting held?

A. It was held after work in the afternoon.

Q. And do you know where it was held?

[fol. 4531] A. Either on the second or third floor of the building.

Q. Did your instructor suggest or request that you

go to that meeting?

A. No, she did not.

Q. Did you go to that meeting thinking it was a Loyalty League meeting?

A. No, I didn't.

Q. . Was it a Loyalty League meding?

A. No, there was nothing said about the Loyalty League at that meeting, as I remember; I don't think the word was mentioned.

Q. Was the fact that Rose Todd took part in the meeting any indication to you that it was a Loyalty League meeting?

A. No. it was not.

Q. Did you contribute 50c?

A. I think I gave mine the next morning.

Q. Well, do you know who you gave that to the next morning?

A. Some girl in the next section, I don't recall who it was.

Q. Did you make this contribution to that girl as a contribution to the Loyalty League?

A. Definitely not.

Q. Are you a member of the Loyalty League?

A. I ama,

Q. Will you state, so far as you know, what the activities of the Loyalty League were?

[fol. 4532] A. Well, I think the main thing, my understanding was that it was to promote good fellowship among the employees, a sort of a social organization to have little get togethers and dances, and card parties and such things, a sort of entertainment organization.

Q. Did anybody tell you that you had to join the Loyalty League?

A. Ob. No.

Q. Did you hear anything at any time said at the plant, that unless you joined the Loyalty League and took part

in the Loyalty League activities, that you would be penalized by the company?

A. I never heard of any such a thing.

Q. Now, did Mrs. Reed, at the meeting of March 18, say anything that indicated to you that you weren't free to join any labor organization you wanted to join?

A. I think, if I remember right, she said we were at liberty to join any organization that we wanted to join, if

it was our desire.

Q. Have you heard any expression on the part of any official, executive or any person that you thought represented the management, to the effect that you would be penalized by the company if you joined any labor organization that you chose?

A. No, I did not.

Q. I will ask you if you cheall reading in the paper, in [fol. 4533] the Kansas City Star for April 12, 1937, the article entitled "Wagner Act Upheld," which is Respondent's Exhibit 38?

A. Yes, I read the article.

Q. I will ask you if you read an article in the paper stating that Sylvia Hull had been selected to represent the Donnelly employees, at the International Convention, and that they called a strike?

A. Yes, I read the article.

Q. Do you recall whether that was in the Kansas City. Star, Times, or the Journal-Post?

A. It was in the Kansas City Star - in the Times.

[fol. 4534] By Mr. Ingraham:

- Q. I will hand you Respondent's Exhibit 35, and ask [fol. 4535] you if you recall reading the article that appears in the Journal Post for April 22, 1937, entitled, "Donnelly Worker will be Sent to Union Convention."
- A. I don't believe this is the article I read I read an article about Sylvia Hull going to a convention, but I still think it was in either the Star or Times.

By Mr. Ingraham;

Q. Well, I'll ask you to state whether or not -

A. (Interrupting) That was practically the same wording though, I think.

Q. I'll ask you to state whether or not the articles that did appear in the papers at that time were generally discussed by the employees of the Donnelly plant.

A. Very generally.

Q. What was the effect of those articles on the em-

ployees?

A. Well, it just kept them all so upset that they could hardly work. They were afraid that those strikers would come down there and start on us any morning; every morning, when we would get there, we looked around anxiously to see if they were there.

· Q. I am referring now to the articles that referred to Sylvia Hull. What effect did those articles have on the

employees and on you?

- A. I know what effect it had on me. It made me very [fol. 4536] indignant, because, to my knowledge, no one had ever been selected to attend the convention from the Donnelly plant. While I didn't know Sylvia Hull, I was sure we hadn't selected anybody to represent us at any labor convention.
- Q. State whether or not, to your knowledge, the employees had selected anybody to go to the International Convention, and ask support for the strike at the Donnelly plant?

A. No, not to my knowledge.

Q. Were you in favor of a strike being called at the Donnelly plant?

A. No I was not.

Q. At that time, April 22 or 23, 1937, on what floor were you working?

A. I was on the 6th floor.

Q. On the 6th floor?

A. Yes.

Q. Did anything occur the morning of April 23, 1937,

that you recall, any disturbance of any kind?

A. That was the morning after this article was in the paper, I believe. I think I read that in the Star the night before, and there was some girl on our floor that the girls gathered around at her machine, and I know that I started over there, several girls from our section started over there to her section and our instructor told us to go back to our machines, that she believed if she were in our place

[fol. 4537] she would go back to her machine. We left the scene and about the time we left there, Mr. Baty arrived, and he requested us to go back to the machines, to continue with our work. I never did get very close to the girl. I didn't know the girl at that time, but I understood it was Fern Sigler; I knew her by sight but not by name.

Q. Did you hear Mr. Baty say anything to Fern Sigler?

A. No, I did not.

Q. Did she leave the floor?

- A. I think she did later, later in the morning. I wouldn't say for sure, but I am under the impression that she did.
 - Q. In your section, was the power turned off?
 A. No, it was not.

By Trial Examiner Batten:

Q. What was the number of your section?

A. 524.

Q. 5247

A. Yes.

By Mr. Ingraham:

Q. Do you recall whether or not May Fike worked in that section?

A. No, she didn't.

Q. Did you hear any girls threatening Fern Sigler!

A. No, I didn't hear anything that was said to her. I know there were girls talking with her, but I don't know what they said.

[fol. 4538] Q. Do you know whether or not the power as left on in the various sections on the 6th floor at that time?

- A. Well, it was on in our section, and I wouldn't says about the others.
- Q. Well, when the power is on in your section, can you hear people talking in other sections, hear what they say?

A. Well, I couldn't, no.

Q. Does the power make considerable noise?

A. No, the power itself doesn't make much noise, but as I recall it, some girls didn't step their machines.

Q. With the machines on there is noise!

A. Yes.

Q. With that noise going on, is it difficult to hear anything that is said in any section?

A. Very difficult.

Q. Will you state what effect the articles that had reference to violence, and the article that had reference to Sylvia Hull and Fern Sigler had on you?

A. Well, about Sylvia Hull representing us at the convention, it sort of outraged me. I thought it was very presumptious on her part to go there and represent us, when she hadn't been selected to do so.

Q. Did you hear any girls in your section say they did not want to work as long as Sylvia or Fern remained at

work?

A. I don't believe I did, she was over several sec-

Q. What caused you to vote in fayor of the Donnelly Garment Workers' Union?

A. Well, I felt it was the best thing to protect ourselves, if we could form our own union; we had been led to believe that would stop the trouble.

Q. But who led you to believe the what do you mean,

by that?

A. Well, the newspaper articles about the Wagner Act, first Mr. Tyler told us about that, and then I read in the paper where the Supreme Court had held it constitutional; he teld us under the Wagner Act we had the right to organize our own union, and we felt that was the best way to protect ourselves against the violence of the other union.

[fol. 4540] Q. Now, the Board in its decision and order found that the Donnelly Garment Workers' Union was caused to be organized by acts of the company. Can you state anything that any official, executive, or anybody you thought represented the company, did that led you or led any employees to believe that the company had anything to do with the organization of the Donnelly Garment Workers' Union?

A. No. I think they would have had a pretty hard time stopping us from organizing it, had they tried.

Q. Did you join the Donnelly Garment Workers' Union of your own free will?

A. I did.

Q. Do you know of any pressure or any suggestion that was made by any official or any executive or anybody representing the management to cause you or cause any

other employees to believe that you would be discriminated against or penalized if you did not join the Donnelly Garment Workers' Union when it was formed?

A. Absolutely not.

Q. Did the Loyalty League have anything to do with the formation of the Donnelly Garment Workers' Union, to your knowledge?

[fol. 4541] A. It wasn't mentioned, to my knowledge.

By Mr. Ingraham:

- Q. Is it a fact that the Loyalty League had anything to do with the formation of the Donnelly Garment Workers' Union?
- A. Not to my knowledge. They had nothing to do with it.

By Mr. Ingraham:

Q. State whether or not you considered Rose Todd a representative of the management.

A. No, I did not.

Q. Did you consider Rose Todd any sort of a boss or supervisor at the plant?

A. No, I didn't consider her so.

Q. Did you ever know of any joint meetings being held by the Donnelly Garment Workers. Union and the Loyalty League?

[fol. 4542] A. No, I didn't know of any.

Q. Do you recall any meetings being held where the Donnelly Garment Workers' Union would have a meeting and it would be immediately followed by a Loyalty League meeting?

A. I don't remember any.

Q. Did you consider that whatever Rose Todd said about unions represented the company's views?

A. I did not.

Q. Did you consider that Rose Todd was representing the company in any activities that she may have engaged in in connection with the Loyalty League?

A. I did not.

Q. Will you state whether or not the presence of or activities of Rose Todd in connection with the March 18

meeting or the meeting the latter part of March or the meeting of April 27 caused you to feel any compulsion to join the Donnelly Garment Workers' Union!

A. It did not.

[fol. 4543] By Mr. Ingraham:

- Q. Will you state whether or not you signed a petition on or about March 2, 1937? A. I did.
 - Q. How did you happen to sign that petition?

A. You mean how was it presented to me?

Q. Yes.

A. Well, in the section, it was brought to me at my machine in the section.

[fol. 4544] By Mr. Ingraham:

Q. Was that the language—I'll hand you I.L.G.W.U. Exhibit No. 10, which appears at 5961 of the Circuit Court record, and ask you if the language at the top of that pagewas on the petition that you signed.

A. To the nearest of my recollection that is exactly

what I signed.

Q. Now, what occurred when you signed that petition?

A. There were, as well as I can remember, there were two girls that came through our section with those petitions, I know that there was at least one, that came to my machine and asked me to read that, which I'did, and after I had read it, she said, "Do you want to sign it," and I said, "I certainly do."

Q. Do you know who that girl was!

A. I didn't know who it was at the time, but I asked some of the girls sitting near me, and they told me it was Mary Sprofera.

· Q: Did anybody representing the management ask you

to sign that petition?

[fol. 4545] A. Nobody said anything to me about it, except this one girl that brought it to me and asked me if I wanted to sign it.

Q. Did you believe that this petition was circulated by

the Loyalty League? A. No, I did not.

Q. Did you feel that if you did not sign this petition you would be penalized in some way by the company!

A. No, I did not.

Q. Why did you want to sign it?

A. I wanted to sign it because it expressed my opinion as to how I felt toward Mrs. Reed and the company at that time, and I wanted her to know how I felt toward her.

· Q. Going back to the—after you signed the petition, do you recall what was done with it?

A. I handed it back to the girl who handed it to me.

Q. Now, who was that girl! A. Mary Sprofera.

Q. And do you recall what she did?

A. I believe that the girl right across from me signed it, and we were on the end of our row in our section, and then I think she went over to the next section with the petition, and went through that section with it. To the nearest of my recollection that is what happened.

Q. Now, I want to direct your attention to a meeting on [fol. 4546] March 18th. Will you state whether or not Mrs. Reed read a letter from the I. L. G. W. U. to the

company 1

A. No, I didn't think Mrs. Reed read any letter.

Q. Do you recall whether or not circulars had been handed out by the I. L. G. W. U.! A. Yes, they had.

Q. About that time! A. Yes,

Q. Do you recall whether or not there were some of those circulars at the meeting?

A. I imagine there were several. I think I had one.

(Thereupon the document above referred to was marked for identification as "Respondent's Exhibit No. 41, Witness Warth," for identification.)

Mr. Ingraham: I will hand you Respondent's Exhibit 41, and ask you if that is the kind of a circular that was circulated by the I. L. G. W. U. at that time.

A. Ves, I read that, that is the same we had handed to us down there at the door.

Trial Examiner Batten: What was that last remark?

A. The same circular that was handed us down there in front of the building.

11of. 4547 1. Mr. Ingraham: Do you recall anyone reading from the circulars at that meeting?

A. No, I don't recall that letter being read, however, it had just been given us the evening before, I think, and it might have been read, but I know it is very familiar to me.

Mr. Ingraham: Respondent offers in evidence its exhibit No. 41.

Trial Examiner Betten: There is no objection, it will be received.

[fol. 4548] Gross-Examination

By Mr. Lane:

Q. Mrs. Warth, what did you observe Rose Todd doing

around the Donnelly plant? ...

A. Well, I really didn't pay a whole lot of attention to what she did. You know, she was all over the building at various times.

Q. Did she come to your section occasionally?

A. Yes, she came to our section.

Q. What did she do when she was in your section?

A. Well, I think she was usually looking up a lost bundle of work, or trying to match up some kind of thread, and things of that sort.

Q. Was there anything Rose Todd did in her employ. A ment with the company, that led you to believe that she was a supervisor or a boss over any other employees?

A. No, there was not.

Was there anything she ever did that gave you the impression that she was entitled to speak for the company on the matter of labor relations between the company and the imployees? A. No, there was not.

Q. Did you know Hobart Atherton in 1937?

A. I knew him when I saw him, yes.

Q. What was his position with the company, so far as you observed his activities?

[fol. 4549] A. Well, I really didn't know. I wasn't in a position to know what his position was.

Q. Did you know Sallie Ormsby! A. No, I did not.

Q. Did Mrs. Reed or any of the other executives of the company ever say anything in your presence about Rose Todd, or Hobart Atherton, or Sallie Ormsby, that gave you the impression that they represented the management in connection with labor matters?

A. No, nobody ever gave me that impression.

Q. Did you get the idea when those three persons were appointed a committee to consult the lawyers, at this meeting of March 18th, that in doing so, they were to speak for the employer or the management, or were they to represent the employees?

A. Well, they were to represent the employees, I dis-

tinctly understood that.

Q. Had anybody, so far as you know, ever suggested to you or in your presence, or any other employees, that the employees hire lawyers to consult with about protecting themselves?

[fol. 4550] A. No, they did not.

Q. How long have you been a member of the Loyalty League?

A. I think I joined it after I had been an employee about three or four months.

Q. Did the Loyalty League, so far as you know, ever consult with the management about wages or hours or conditional terms of employment?

A. Not so far as I know.

Q. Did you ever get the idea that the Loyalty League was in any sense a labor union?

A. No, I did not.

Q. You may now state what the Loyalty League did so far as your observation of it was concerned during the time you have been a member.

A. Well, during the time I have been a member, all the Loyalty League has ever done is to promote good fellowship among the employees and spensor clances and card

parties and social functions.

[fol. 4551] Q. I think you stated on direct examination that you read the article appearing in the Kansas City paper on April 12, stating that the Wagner Act had been declared constitutional by the Supreme Court?

A. Yes, I read that article.

Q. Had you prior to that date ever given consideration, yourself, to the question of whether the employees should form a union of their own?

A. No, I had never thought anything about it prior to that date.

Q. Was anything said at the meeting of March 18 or the meeting held about March 30 about the formation by the employees of their own labor union?

A. I don't recollect that there was anything said about

forming a union at either of those meetings.

Q. Were any instructions given at the meeting of March 18 to this committee that was appointed to consult with a lawyer about consulting with that lawyer with respect to forming a union! A. No, there was not.

Q. What was discussed at that meeting as to the pur-

pose of consulting a lawyer?

A. We wanted to see what we could do about protecting [fol. 4552] ourselves. I think there was something said about we might be able to get an injunction, or something of the sort, but we felt that we should have legal advice so that we would know what could be done.

Q. At the meeting at the end of March was anything said in connection with raising this \$500 attorney's fee, about that fee applying upon services in the formation of a union! A. There was not, to my knowledge.

Q. Did you personally give any thought to the matter of forming a union of the Donnelly employees prior to

April 27?

A. I personally had thought something about it after I had read this article about the Wagner Act, but it hadn't been generally discussed. In fact, I don't remember hearing anyone say anything about forming a union prior to that meeting.

Q. How did you get notice of that April 27 meeting?

A. I think some girl in the section told us that we were going to have another meeting.

Q. Was anything said by any of the other employees as to what was to be discussed at that meeting?

A. I don't remember.

Q. Did you attend that meeting of April 27 in your uniform, or did you dress before you went to the meeting!

A. I don't remember that. Some were in their uniforms and some were in their street clothes. It just depended on what time they were dismissed.

[fol. 4553] Q. Were you ordered or instructed by your instructor to go to that meeting?

A. I was not.

Q. Were the girls in your section supposed to go in a body together to that meeting?

A. No.

Q. Was there anything said by the girls in your section that they should stay together because they were supposed to come back to the section and go to work after the meeting was over?

A. No, there wasn't.

Q. What is your best recollection as to the time of day

when that meeting was held?

A. To the best of my knowledge, I would say around 5 o'clock or 5:15, somewhere in there; anywhere from 4:45 to 5:15, but I wouldn't say the exact minute.

Q. What is your best recollection as to the time con-

sumed in holding that meeting?

A. I don't remember that exactly, but I should say around an hour and a half.

Q. Now, will you state what was done at that meet-

ing?

- A. Miss Todd opened the meeting and talked to us for a while and told us that Mr. Tyler was there and wanted to talk to us.
- Q. Did she tell you who Mr. Tyler was? [fol. 4554] A. Well, I suppose she did. I think she told us he was our attorney; I knew he was, and I suppose everyone else did.

Mr. Tyler told us it was perfectly within the law, if we wanted to organize our own union, to do so. And he sort of interpreted the Wagner Act for us. And I believe somebody made a motion about it—I'm not sure; but, anyway, I know we all voted on forming our own union.

- Q. Did you cast a vote in that connection?
- A. Yes, I did.

 Q. Did you vote to form the union of the Donnelly employees?

A. Yes, I did.

- Will you state now-what reasons you had in your own mind for voting affirmatively to form an employees's · union?
- A. Well, I didn't feel it was necessary that we have a union at the Donnelly blant, but I thought if we were forced to have one, which seemed to be the only solution, that we were just as capable of taking care of our own affairs as outsiders. And I still think so. In fact, I think we know better what we want than any outsider. And I think everyone else felt pretty much the same as I did about it.
 - Q. Had Mrs. Reed ever intimated or suggested to you or to any other employee, as far as you know, that the employees should form a union of their own?
 - A. Mrs. Reeves?
 - Mrs. Reed.
 - [fgl. 4555] A. No, sir. Mrs. Reed was never mentioned in connection with the union, to my knowledge.
 - Q. I say, did she ever mention to you, or, as far as you' . know, any other employee, that the employees should form a union of their own?
 - A. No.
 - Did Mrs. Reeves, Mr. Green, Mr. Baty, or anybody else representing the management, ever make ang such suggestion?
 - A: No, they did not:
 - Did you understand in your own mind at this meeting of April 27 and did you have the feeling yourself that whatever action you were taking was the action of the employees themselves?
 - A. Adid. Q. Did you feel under any restraint created by the management to vote one way or the other at that meeting?
 - A. I did not.
 - Q. Did you feel that you were being dominated or controlled or persuaded by the company to take the action that was taken there?
 - I knew I wasn't.
 - Did you regard yourself as acting in that meeting in the formation of this union of your own free will and making your own deliberate choice?
 - Absoluteiv.

[fol. 4556] Q. I wish you would state what else occurred at that organization meeting.

A. Well, after we voted to form the union Miss Todd appointed a committee to leave the floor and nominate who were to be our first officers—I believe it was nine people, if I remember correctly—Which they did. I don't remember how long it took them. When they returned and presented the names, we voted on them. Then I believe Mr. Tyler told us that he would or had drafted some bylaws that we could either accept of reject—that if they were acceptable, all right, and if they were not, he would change them.

Q. Have you ever served on any of the executive committees of the union, Mrs. Warth, since its formation?

A. No, I have not.

Q. Have you attended union meetings since its formation?

A. I think, most of them.

Q. In April of 1937 state what the instructors did, so far as the operators in your section were concerned.

A. They just showed us how to do the work. They brought the work to us and took it away when it was completed:

Q. Did you regard an instructor as a supervisor or

as a boss?

A. No. I did not.

Q. Did you regard the instructor as a person who was entitled to speak for the management in connection with labor matters?

A. Oh, no. [fol. 4557] Q. Did you think the instructor had authority to hire or fire the operators in the section?

A. I didn't think so. .

Q. 'Is the Loyalty League still in existence?.

A. Yes, it is.

Q. Are you still a member of it?

A. Yes, I am.

Q. What are the activities of the Loyalty League since April 1937 as compared to what they were before?

A. Just the same, so far as I know.

Q. Did you ever regard the Donnelly Garment Workers' Union as being a successor to or a continuation or outgrowth of the Loyalty League!

A. No, I didn't.

Q. In the meetings of the Donnelly Garment Workers' Union from April 1937 down to July 15, 1939, will you state generally how frequently those meetings were held?

A. I think we had one meeting each month.

Q. Will you state in general what the attendance of the employees was at those meetings?

A. We usually had a pretty good crowd.

Q. And by that you mean how many, approximately?

A. I would say a majority, at least.

Q. State what matters in general were discussed and taken up at the union meetings following the organization meeting.

[fol. 4558] A. Well, they took up any complaints that any of the operators or anyone had to make in those meetings.

. Q. Was that a fairly frequent occurrence?

. A. Fairly so, I would say.

Q. What other matters were discussed at your union meetings?

A. Well, we discussed dances and carnivals.

Q. Did you discuss in any of your union meetings the matter of contracts between the union and the company?

A. Well, I think our contracts are made for a twoyear period and of course prior to that annual renewal of the contract there is quite a little bit, of discussion in the meetings preceding that.

Q. Did you from the time of the formation of the union down to July 15, 1939, feel that in the handling of the affairs of the Donnelly Garment Workers' Union you and the other employees were acting of your own volition, without any control or domination on the part of the company?

A. Absolutely.

Q. Or without any pressure or persuasion to take any particular action?

A. Yes, sir, absolutely.

[fol. 4560] Who was your next instructor?

A. I believe, Vera Marshall. I was then in hand sewing, for a short time.

Q. What date did you'go into hand sewing?

A. I believe it was in December, 1935.

Q. What were you doing in Etta Dorsey's section?

. Hemstitching?

Q. Who was the thread girl in Vera Marshall's section?

A I don't remember whether there was one.

Q) How long did you continue in that section?

Just for a short time.

Q. Who was your next instructor?

A. I believe, Kathryn Rosen. Q. Who was her thread girl?

A. I don't remember who was her thread girl at that time.

Q. What were you doing in that section?

A. Hemstitching.

Q. What floor was that on?

A. That was on the seventh floor, I believe, for a short time.

Q. Do you remember the dates on which you were in those sections?

A. No, I do not.

Q. Who was your next instructor?

A. I think, Carrie Abrams.

[fol. 4561] Q. Who was the thread girl in that section?

A. I think, Kathryn— I'm not sure about that. I'm not sure who was Carrie's thread girl at that time.

Q. Do you have any idea of the dates on which you were in Carrie Abrams' section?

A. No. I don't.

Q. Who was your next instructor?

A. Kathryn Rosen.

Q. Do you know who the thread girl the was?

A. I believe, Grace Davis.

Q. Does this bring us down to March or April of 1937!

A. Yes. That was in the early spring of 1937.

Q. Were you in Kathryn Rosen's section throughout March and April of 1937?

A. Yes, I was.

Q. Was Grace Davis the thread girl in that section throughout those two months?

A. I couldn't say as to that. She was there part of the ime and Claris Martin was there part of the time, but I don't remember which girl was there in that period.

Q. What was that section number at that time!

A. 524.

Q. How did you come to join the Loyalty League!

A. Some girl came to my machine and asked me if I would like to join.

[fol. 4562] Q. Did she have a membership card for you?

A. Yes, she did. I signed the card and purchased a button from her.

Q. Did she have the pin with her?

A. Yes, she did.

Q. What was the number of your pin; do you know?

A. 1042. •

Q. And that was sometime in the spring of 1935, was it?

A. Yes, it was.

Q. Did you attend any meetings of the Loyalty League?

A. Yes.

[fol. 4563] Q. Do you know any of the officers of the Loyalty League during that period?

A. What period was that?

Q. From the time you went to work; up until March 18, 1937.

A. Rose Todd was president of the Loyalty League in the early part of 1937.

Q. Do you know of any other officers at any time during that period?

A. No, I don't.

Q. If an instructor was absent from work for an hour

or a day, who would take her place?

A. Well, if they were absent for a day there was usually another instructor sent in to the section. If she was absent for a few hours, as a general rule, nobody replaced [here]. She usually saw to it that each girl had enough work to last until she returned.

'[fol. 4564] Q. Who gives out your checks, since you have been receiving checks? A. Our pay checks?

Q., Yes. A. Our instructor.

[fol. 4565] Q. Who was the girl that you mentioned as a special friend of yours who had her sleeve torn out?

A. No, I didn't say she was a special friend of mine. I said she was an acquaintance of mine.

O. Do you know her name? A. Yes.

Q. Will you please state it?

A. Well, for very obvious reasons, Miss Weyard, I don't want to tell the girl's name.

Q. I would like to have you state if. .

Mr. Reed I didn't hear the last question.

Trial Examiner Batten: She said she would like to have her state the girl's name.

Mr. Reed: If this girl is working for another union and made these remarks to the witness, manifestly it would be unfair to that girl to have this fact made known, so that she might be thoroughly disciplined by the union she belongs to, if they saw fit to discipline her.

My understanding of the attitude here throughout is that those matters which would cause trouble to anyone and are not necessary in this case would not be gone into:

. Trial Examiner Batten: Don't you consider this necessary, Senator?

Mr. Reed: I do, not. Necessary for her to tell the [fol. 4566] hame of a girl whose sleeve was torn?

Mr. Langsdale: How are we going to meet the testimony, then?

Mr. Reed: We are in a position where we cannot bring these people in who belong to the other union. The fact about the matter is, it has been claimed throughout this whole litigation at various times that the I. L. G. W. U. had members working for the company; and as often as that has come up, there has been a flat refusal to tell their names. There is a flat refusal to disclose to us the names of the persons who filed these congress against us, and all of this—

Trial Examiner Batten: Senator, it is very obvious who filed the charges. They had to sign the charge, and that is a part of the complaint.

Mr. Ingraham: Jane Palmer signed them.

Mr. Reed: Jane Palmer signed them as attorney.

Trial Examiner Batten: Of course, that brings up the question again of these witnesses testifying about matters they saw or heard or in their own minds thought, going to attempt to verify or prove or disprove all of those matters. Of course, if we are going into those matters, it is perfectly proper for this lady to tell us who it was. In other words, I see no reason of any kind why she should not disclose it.

Mr. Reed: I have tried to give you the reason, and I [fol. 4567] again call attention to the fact that throughout, in court or any other place—in any hearing, there has been a flat refusal to tell the names of the persons who worked for the Donnelly Garment Company who belonged to the I. L. G. W. U.

Trial Examiner Batten: I don't know of any instance in this hearing so far, Senator, where there has been any such refusal.

Mr. Regd. Didn't it occur earlier in this hearing?

Trial Examiner Batten: Not that I recall, because it has not been an issue in this hearing, as to who belonged or who didn't belong, that I recall.

By Trial Examiner Batten:

Q. Mrs. Warth, what is your reason for not wanting to

A. This girl still works in the same factory where she was working at that time and she is a member of the L. E. G. W. U., and for that reason I do not want to give her name. I have known her over a period of years and I have no reason to doubt her honesty and integrity.

Q. You say, because she belongs to that union. That does not appear to me to be a reason why you should not want to disclose it.

A. It does to me. Don't you think she might be discriminated against?

Trial Examiner Batten: Well, I don't think that is a matter for you to determine, whether she would be discriminated against or not.

[fol. 4572] Trial Examiner Batten: Miss Weyand, do you agree with Mr. Langsdale than the witness having testified about what was told her, it now raises the issue about whether or not, in fact, the girl did tell her that?

Miss Weyard: I think it does. That is always a matter raised in credibility.

Trial Examiner Batten: Is this for the purpose of credibility?

Mr. Langsdale: It couldn't be for anything else.

Miss Weyand: I don't see how it could.

Trial Examiner Batten: I am asking you if it is. [fol. 4573] · Miss Weyand: Yes.

Trial Examiner Batten: If it is for the purpose of credibility, I will ask the witness to disclose the name.

Mr. Reed: Do the counsel on the other side now say that they are going to test this lady's credibility by bringing in the witness, and do they vouch for the fact that that witness will contradict this witness?

Trial Examiner Batten: That is not what I asked them. I asked Miss Weyand if it was a matter of credibility, and she said it was. I asked her, entirely so? And she said yes. Upon her statement, the witness may disclose the name of the person.

Mr. Reed: Then, I want to get my position clear here. When a witness testifies that some person told them something, and you are laying the foundation for a contradiction, you must show or state that you propose to produce a witness who will testify that, at substantially that time and place which has been asked about of the witness who is to be impeached, that you expect to prove by that witness that she did not make the statement, then you have qualified to impeach the witness; otherwise, you have not.

Trial Examiner Batten: I don't believe I agree with you at all, Senator, because, supposing you were testing a matter of credibility and the witness agreed with you; after you had made your offer of proof to bring someone in to show that what you expected the witness to say was [fol. 4574] untrue—I don't think that precedes a question on a matter of credibility.

Mr. Reed: Are we, then, to understand that this question is to be asked, although limited to impeachment purposes, and that we can follow and show that this young lady, if she should come in and deny this, the fact back of it, or show, if she didn't deny it, that she spoke the truth?

Trial Examiner Batten: I am making no ruling of any kind, Senator, except to this witness, that she may disclose the name of the person.

Mr. Reed: That's the trouble.

Trial Examiner Batten: That isn't the trouble. If you believe you have the right to present such testimony, Senator, you present it, and at the time it is presented I will rule upon it.

Mr. Reed: I am going to say to the witness that she has the right to withhold this name, if she wants to.

The Witness: I think I will stand on that right, then.

Trial Examiner Batten: All right. You may do so, and I shall strike your testimony with respect to this incident which was given on direct examination—

Mr. Lane: Intervener excepts to the ruling of the Examiner.

Trial Examiner Batten: -in accordance with the Board's rules.

[fol. 4575] Mr. Lane: I think, further, Mr. Examiner, it is obviously improper for the Examiner to permit counsel to go into evidence on the mere assertion that the purpose is to attack the credibility of the witness on things the Examiner excludes on direct approach. If it is going in at all, it should go in so that it can be verified properly. But to go in the back door—

Trial Examiner Batten: Now, Mr. Lane, that is the very thing I told the Senator I wasn't ruling upon. I am not going to anticipate a matter. You know as well as I do that the attorney who wants to attack the credibility or bias or interest of the witness, it gives them almost unlimited latitude.

Mr. Lake: It doesn't permit testimony to be introduced through one door that cannot go through another door.

Trial Examiner Batten: When I limit it to that purpose only, as I discussed with Miss Weyard the other day-and I think I made myself clear at that time-when I accept testimony for credibility, interest, or bias, it is not to be used for any other purpose. I think the record is clear on what I stated at that time.

[fol. 4580] Q. I am going to ask the witness to look at . I. L. G. W. U. exhibit No. 10, directing her attention to the Circuit Court of Appeals page 5970, and I'll ask her if the eighth name there appearing is her signature. [fol. 4581] A. Yes, it is.

Q. Will you just continue to hold that a minute? want to ask you about some of those names. Do you know the name that appears at the head of that column?

seems to be Mary Robeson.

Mary Robeson, R-o-b-e-s-o-n (Spelling) ? . .

Yes. Do you know her? A. Yes, I do. Q. Did she work in your section at that time?

A. Yes, she did work in my section at that time.

And the next girl, Vivian Laughman, is that the way it would be pronounced?

I don't know that girl.

The next is Audrey Hoyle?

I don't know her either. A.

The next name, Elizabeth Lawson? Q.

No, I don't know her. A.

Q. The next name, Anm Farmer?

You I know Anna Farmer. Α.

And she worked in your section at that time, did Q. A. Yes. she?

Ruth Ellen Baldwin?

Yes, I know her? A.

And she worked in your section?

Yes, she did.

[fol. 4582], Q. And the next name is Ruth Davidson, ofwhom you have spoken! A. That's right.

Then appears your name, then Catherine Lasister!

Yes, she sat right across the board.

Q. In your same section? A. Yes.

Q. And then Lorraine Smith!

A. Lorraine Smith was in the next section over. Lorraine and I were on the end of our rows in our sections.

Q. And then Carrie Scott?

A. Well, there is a lady in that section that they call Scottie, I don't know her name.

Q. And then Gladys Riner!

A. I don't know her, I wasn't familiar with the girls in the next row; I knew a few of them.

Q. a Did you know Lena Hicks! A. No.

Q. Alta Stevenson? A. No, I didn't.

- Q. Maude Fisher! A. I knew her when I see her.
- Q. And she was in the next section?

A. She was in the next section, yes.

[fol. 4583] Q. When did you learn that the committee which had been appointed at the March 18 meeting had consulted Mr. Tyler?

A. I think at the following meeting, I believe, was the

first I knew of it.

Q. And by the following meeting, which meeting do you refer to?

A. The meeting during the last of March.

Q. What was stated at that time about the committee

seeing Mr. Tyler?

A. Why, Miss Todd said the committee had called upon this law firm, and falked with Mr. Tyler about our case, and reported what he had said about he would be glad to handle the case for us, for a certain fee.

Q. Did you wear your uniform to that meeting?

A. I don't remember; I probably did, because I think, as I remember, we were working 9 hours then, and that would make us get off rather late, and I imagine I went right down with my uniform on.

Q. Did you have chairs at that meeting?

A. Which one?

[fol.:4584] Q. The meeting you are now referring to?

A. The meeting the last of March?

Q. Yes.

A. I don't remember that. I know that stood; I think there were chairs there, but I stood.

Q. Do you remember how many others stood up?

A. Well, there were a sceat many standing all around the floor, I remember; I can't say how many.

[fol. 4590] Q. Do you know what the system of the union was in passing on piece rates?

A. You mean in what way they handled it?

Q. Yes.

A. Well, in our section, if we weren't satisfied with the price of piece work, we took it up with our section representative, and she went to the general chairman.

Q. Who was your section representative?

A. Or sometimes she went directly to Mr. Baty.

Q. Who was your section representative?

A. At what time?

Q. Prior to July 15, 1939?

A: Well, I don't remember. We had a different one each year, as I remember, and I don't remember who they were.

Q. Did you have any section representatives prior to July 15, 1939?

A. Yes, we have had them, I think, ever since we have had our union.

Q. How were they chosen?

A. They were chosen by the girls of the section.

Q. Was that done at a meeting of the Donnelly Garment Workers' Union!

A. No, it was done at a meeting of the girls in the section.

Q. Do you know whether that was provided for in the [fol. 4591] constitution and by-laws of the Donnelly Garment Worker? Union! A. I don't remember.

Q. But you are certain that practice has continued since the very beginning of the Donnelly Garment Workers' Union!

A. No, I am not certain; I think it has, but I can't say for sure.

[fol. 4595] By Miss Weyand;

Q. Did you know that the Donnelly Garment Workers' Union during 1937 and 1938 had a committee which [fol. 4596] was composed of Rose Todd, Lula Nichols,

Josephine Spalito, which adjusted the piece rates on behalf of the Donnelly Garment Workers' Union?

A. No, I did not.

Q. You never heard of such a committee?

A. No, I didn't.

Miss Weyand: That is all the questions I have.

Trial Examiner Batten: Mr. Langsdale?

By Mr. Langsdale:

Q. Did you know Mrs. Nichols?

A. I do know a Mrs. Nichols.

Q. Did you know her in the year prior to July 15, 1939?

. A. Yes, I knew who she was.

Q. Do you know what she was doing there?

A. No, I did not.

Q. Did you have any idea what her duties were for the Donnelly Garment Company? A. No, I don't.

Q. You never did hear nor understand that she was

fixing piece rate prices?

A. I have heard that she did, yes.

Q. From the time you went to work there down to July 15, 1939? A. What was the question?

(Last question was read by the reporter.)

A. Yes.

[fol. 4597] By Mr. Langsdale:

Q. But you never did know that she was on a committee of the Donnelly Garment Workers' Union for that purpose? A. No, I did not.

Q. For whom did you assume she was fixing piece

prices?°

A. I didn't assume because I didn't know.

Q. You hadn't any thought about it at all?

A. No, I did not.

Q. I believe you have stated that the subject of the meeting, the subject of the conversation at the meeting of March 18 was with reference to what the employees could do to protect themselves against the violence from the I. L. G. W. U., as you understood it to be, up at 26th and Grand, is that correct? A. That's right.

Q. That meeting was on the afternoon of March 18,

was it! A. That's right.

- Q. Did you know that that strike had only started the day before?
 - A. As I remember it, that strike started on the 14th.

Q. What did you say?

A. As I remembered it, the strike started on the 14th:

Well, what do you base your recollection on?

A. Well, the 14th of March happens to be my birthday.

Q. Yes.

[fol. 4598] A. And that is the reason I remembered it.

Q. But these newspaper articles shown you by Mr. Ingraham, have you noted they start on the 17th?

Yes, I noticed it.

You hadn't seen any newspaper articles prior to March 17th?

No, I had only seen the actions down at the place.

Now, have you any other facts or circumstances in your memory which tell you that strike started before the 17th of March, 1937?

Only what I saw as I was passing there.

Q. Now, you are stating that you saw crowds and pickets in front of the Gordon, Gernes and Missouri, as early. as the 14th of March? A. No, I didn't say that.

Q. Well, what did you say?

- A. Well, I said that the strikes started on that day, as I remember.
- Q. Well, what do you mean by that? What was done that you know of?

Well, they were being picketed on that date, I think.

Did you see any crowds or masses or violence, or anything of that sort?

A. I saw those crowds out there for several days.

O. But how long before the meeting of March 18th, is [fol. 4599] what I am trying to get you to testify to.

A. I wouldn't say just how many days, but I know it was several days before that.

- It started before the 17th of March, is that your recollection?
 - I think I remembered it started around the 14th.

·Q. Well, are you sure of that?

I am not absolutely sure, no.

- Now, did. you say that Mrs. Reed didn't read the letter that had been sent by the L. L. G. W. U.
 - No, she did not.

Who did read it?

I don't believe that it was even read.

You don't believe that it was read? A.

Q. You say it was not read?

- Isdidn't say it was not read: I said I didn't believ that it was read. I know that I had read the letter myself, but whether anyone read it at that meeting or not, I could not state positively whether they did or they did not. .
- Q. You testified nobody called the meeting of March 18th and it was just a spontaneous outpouring of em-[fol. 4600] ployees into the second floor?
- A. I don't remember how I testified about that, but I do-know that the word was just passed around in the section that there was going to be a mass meeting of emplovees.

Mr. Langsdale: Who gave you the word?

A. Some of the girls in the section, I don't remember who it was.

[fol. 4603] By Mr. Langsdale:

- Q. Can you tell us definitely the date upon which employees voted to raise 50c apiece to take care of Mr. Tyler's fee!
 - A. No, I cannot.
- It has been five years, hasn't it, and more! It was in 1937, wasn't it?
 - A. As I remember it, it was,
- Have you had anything or anyone to refresh your [fol. 4604] memory about the date of that meeting, prior to the time you took the witness stand at this hearing?

Well, it was being talked around, yes, it was, the

date; the girls were all discussing those dates.

Q. No, I am not talking about that. Now, before you took the witness stand in this hearing, 5 years having elapsed since that meeting, and more, hasn't it? Before you took the witness stand, what, if anything, or who, if anyone, has refreshed your memory before you got on the witness stand here? You said the meeting was the latter part of March, 1937?

A. Well, I think we were talking about those dates

when we were talking with Mr. Ingraham.

Q. When?

A. A few days ago, I don't remember just what date it was.

Q. Well, did anyone suggest to you the meeting in the latter part of March, 1937?

A. I remembered that.

That is what I am trying to get at. How do you remember?

A. I remember very distinctly all those things happening, and I know our meetings were along about that time.

- Well, is there any milestone in your memory that tells you whether that meeting was March, April or May, 19371
 - A. Why, yes, I know it was in March.

[fol. 4605] Q. Well, what is it?

Either the last of March or the first of April. A.

Well, why do you know that? Q.

Because I remember the date of the first meeting, and that was some time after that.

Q. Well, what is there in the whole picture that tells you it was not April or May instead of March?

I didn't say, it could have been the first of April. A.

Well, could it have been in May? Q.

No, it could not.

Why !

Well, because our union was formed on the 27th of . A. April, and it was before that.

Now, you say it was before that meeting? Q.

A. Yes, sir.

You say you paid your 50c to someone in your sec-Q. tion?

A. Yes, I did.

To whom did you pay it? Q.

A. I do not know.

Well, where did you pay it? Q.

In the section. A.

Well, where was this person?

A. She was in the section.

Q. Well, did you have to leave your machine to do it?

A. No.

[fol. 4606] Q. Did she come around your machine and collect it?

A. I think she collected it during lunch hour.

Q. Where? o

A. In the section.

Q. Well, do you know where? Where is that section, where was it then?

A. 524 on the sixth floor, right in front of the door.

Q. And how many square feet would you say a section covers?

A. Well, I haven't the slightest idea.

Q. How long was the section? Maybe you can tell us that, Was it 20 feet long?

A. Well, it goes practically half-way through the build-

ing, east and west.

Q. What part of that section was this person in, that you paid your money to?

A. I don't know, because I don't know who it was.

Q. Do you know what that person did for the Donnelly Garment Company at that time?

A. She was a machine operator an operator in our section.

Q. How do you remember that?

A. Because we always paid those things to one of the operators in the section.

Q. What do you mean, "always"?

A. Well, any kind of a collection, we had someone in the section so designated to make it to.

[fol. 4607] Q. Was the person to whom you gave this 50c known as the Loyalty League representative at that time?

A. I don't know that, I don't remember who it was.' I don't even know whether we had a Loyalty League representative at that time in the section.

Q. Did you know who the officers of the Loyalty League were? I don't mean their names, but what officers they had, by title?

A. No, I do not,

Q. Did you know that each section had some person known as their representative in the Loyalty League?

A. Well, I think most of the sections did, yes.

Yes, and your section did also, didn't it?

I imagine we did. A.

And was this girl that person? Q.

I do not know. A.

Now, in answer to Mr. Ingraham's question, you Q. [fol. 4608] said your instructor didn't suggest that you go to the March 30 meeting, is that correct, or this meeting the latter part of March?

Our instructor didn't suggest we go to any meet-

ing.

Well, why do you say that?. · Q.

A. Because I know she didn't.

Your thought was that the Loyalty [fol. 4610] Q. League was just a social organization?

That's right.

Did you ever think that it was organized for the purpose of in any way impeding the activities of the I. L. G. W. U. or officers of the I. L. G. W. U.?

A. No, I did not.

[fol. 4621] By Mr. Langsdale:

Q. Let me ask you if at the meeting at which the 50 cents was collected you heard Miss Todd say this:

"I think that is a grand spirit to show. May I hear a motion, then, to the effect that each member of the Loyalty League donate 50 cents to take care of any indebtedness we have."?

No, Pdon't remember her saying it

By Mr. Langsdale:

Q. You testified you signed what has been called here "the Loyalty petition con March 2, when it was brought to your machine by some one of the employees?

A. Yes, I did.

[fol. 4622] Q. You recall that testimony?

Yes.

Q. And that you signed this petition which was written as follows:

"We, the undersigned, as members of the Donnelly Garment Company, wish to make it known we are positively happy and contented with the position which we hold with this organization and refuse to acknowledge any union labor organization. We are thankful for the real humanitarian interest extended by our employer Mrs. Reed?"

Now, I think you said you signed that because that was the way you felt about it?

A. That is right.

Q. Did you feel that way about the statement "refuse to acknowledge any union labor organization"!

A. That is right.

Q. You felt that way, did you, on April 27, 1937!

A. Well, I think that was said because of the statement that we had read in the paper.

Q. What statement? This was March 2.

A. Yes.

[fol. 4623] By Mr. Langsdale:

Q. On March 2, 1937, were you opposed to all labor unions?

A. Not necessarily, no.

Q. Then, did you feel that you would refuse to acknowledge any union labor organization?

[fol. 4624] A. .Well, I don't remember how I felt about that. I don't think I felt I would refuse to acknowledge any union organization.

By Mr. Langsdale:

Q. What did you mean, then, when you answered Mr. Ingraham's question that that petition expressed your upinion as to how you felt?

A. Well, I don't think it is right to force anybody to

join a union or anything else against their will.

Just a moment, Mr. Langsdale. Trial Examiner Batten:

The question to you was, What did you mean when you said in answer to Mr. Ingraham's question that that expressed your opinion and how you felt?

A. Well, I think I had reference to the way I felt [fol. 4625] toward Mrs. Reed and the company in general. I appreciated my position there and I appreciated the way I was being treated, and I appreciated the way the plant was running, and the sanitary conditions, and everything about the working conditions there. That was what I meant in that answer.

By Mr. Langsdale:

Q. Did you also mean that this petition expressed your opinion as to how you felt, in these words of the petition, . "refuse to acknowledge any union labor organization"?

A? Well, refuse to acknowledge any one that was purported to be in there at that time.

[fol. 4626] By Mr. Langsdale:

At the time you signed this petition on March 2, 1937, did you have any reservation in your own mind about signing it that wasn't expressed in the petition?

A. I don't remember whether I did or not.

Q. And you don't know whether you at that time wanted to say that you "refuse to acknowledge any union labor organization" or not?

I said that I wanted to refuse to acknowl-[fol. 4627] edge any union labor organization that was rumored to be existing in part in the plant at that time.

Q. Of course, this was long before the violence that you

testified to?

Yes, I know.

But that is what you meant when you signed this petition?

That is right.

Redirect Examination. (fol. 4631)

Q. (By Mr. Ingraham); I will hand you respondent's exhibit No. 6, appearing in the Circuit Court of Appeals. record at page 4864 and page 4865, and ask you if you recall reading this article that appeared in the Kansas City Times for February 2, 1937.

A. Yes, I read the article.

By Mr. Ingraham:

- Q. Did you read in that article the statement, "The union—meaning the I. L. G. W. U.—claims only 25 mem-fol. 4632) bers among the Donnelly workers but officials said hundreds of others are related to union members." Do you recall that in that article? A. Yes.
- Q. Then, do you recall this statement:
- "Within a year we will have it completely organized," Perlstein said. "As soon as we have enough members we will call a strike. This will be in addition to carrying our side to the customs."
 - A. I read that.
- Q. Now, you have been asked by Mr. Langsdate what you meant by the statement in the March 2 petition that you would not "acknowledge any union labor organization." What did you refer to when you signed that petition as to a labor organization?
- A. The assertion that they were "in there" made in this statement by Mr. Perlstein.
 - Q. Who do you mean by "they"? A. Mr. Perlstein.

Q. The I. L. G. W. U. union? A. Yes.

Q Now, did that article have anything to do with causing you to sign the petition of March 2? A. Yes, it did.

Q. Why did you want Mrs. Reed to know how you felt [fol. 4633] about the I. L. G. W. U.?

A. Well, I felt like she was being accused of a lot of things that were not so, and I felt rather outraged at those accusations, and then I thought maybe she might think her employees might think some of those things, and I didn't want her to feel that I felt that way.

Q. Did you want Mrs. Reed to know that you did not want to acknowledge the I. L. G. W. U.? A. Yes, I did.

Q. Was this article that appeared on February 26, 1937, discussed among the employees at the plant?

A. Very much.

Q. Will you state whether or not the employees wanted Mrs. Reed to understand that they did not want to acknowledge the I. L. G. W. U.?

A. That was my understanding.

Q. Was that from what you heard other employees

say? A. Yes.

Q. I will ask you if you recall reading in that article this paragraph:

Donnelly Garment Workers' Union will be to send six women to cities and towns where its garments are sold, advising retailers and labor organizations, Mr. Perlstein said. 'Miss Palmer will have charge of this squad of fellow workers.'"

[fol. 4634] A. Yes, I remember that.

Q. Now, what did you understand was meant by "advising retailers and labor organizations"?

By Trial Examiner Batten:

Q. What interpretation did you place upon it, Mrs. Warth?

A. Well, I thought it meant a sort of a boycott to the business.

By Mr. Ingraham:

Q. And what reaction did you have to that statement

[fol. 4635] in the paper?

A. I was very indignant about it, because I had always regarded Mrs. Reed as a fair employer, and I didn't think it was right that she should be persecuted that way?

Q. Did you think it might affect your job?

A. Well, naturally it would affect our jobs, if they ruined her business. That was the natural conclusion.

Q. Did you hear a discussion among other employees

of that part of the article! A. Yes, I did.

Q. And what was the effect on the other employees with respect to the sending out of these emissaries?

A. I think they all felt very much as I did-

[fol. 4638] Q. Now, you stated, I believe, on direct examination that at the meeting of March 18 a committee was named to see what could be done to give protection to the employees, is that correct? A. That's right.

Q. And did you testify that this committee was instructed to consult attorneys? A. Yes.

Q. I believe in answer to a question on cross-examination, you stated that Mr. Tyler—that you learned that Mr. Tyler had been consulted to represent the employees. Now, will you state what Mr. Tyler was to do in representing the employees?

A. I think I stated that he was to advise us as to what we could do, what could be done to protect us from the violence being practiced at the other plants, in the way of an injunction, or something of the sort, a restraining

order.

Q. And when you stated on cross-examination that Mr. Tyler was to handle your case, that was what you referred to? A. That's right.

[fol. 4639) Recross-Examination. By Mr. Lane:

- Q. Mrs. Warth, I hand you Board's Exhibit No. 8-21, which appears at page 4415 of the Circuit Court record, being the minutes of the meeting of Donnelly Garment Workers' Union on May 25, 1937, and ask you to please read those. A. Yes, I went to the meeting.
 - Q. What time of day was that meeting held?

A. I imagine around five o'clock, not over 5:15.

Q. Was there ever any time when a union meeting, a meeting of the Donnelly Garment Workers' Union was held during working hours? A. No, there was not.

Q. Was there ever a meeting of the Donnelly Garment Workers' Union that was immediately followed by a meeting of the Loyalty League! A. Not to my knowledge.

Q. Or was there ever any time when the Donnelly Union meeting was preceded by a meeting of the Loyalty League?

A. Not to my knowledge.

[fol. 4640] Q. (By Mr. Lane): Now, I'll hand you Board's Exhibit No. 18-A, appearing at page 4709 of the Circuit Court of Appeals record, and ask you to read that, please:

I don't remember any such meeting as [fol. 4643] A. that.

By Mr. Lane:

Did you ever attend a meeting of the Donnelly Garment Workers' Union that began at 3:45 in the afternoon ?

A. No, I did not. I didn't know they ever had one that

started at that time in the afternoon.

Did you know Elsie Graham Greenhaw? A. No. Q.

Did you know Marjorie Green? A. Yes. Q.

Did Marjorie Green have an office in the Donnelly Garment Workers' Union in May 1937?

A. She was secretary.

Did you see Marjorie Green at substantially all of the meetings of the Donnelly Garment Workers' . Union that you attended?

I don't remember of any where she wasn't present. A.

Did you see her taking minutes of the meetings? Q.

Yes, I did. A.

Did you know Elsie Graham Greenhaw by sight?

No, I didn't.

[fol. 4644] Q. Was the meeting of the Donnelly Garment Workers' Union on May 25, 1937, followed by a meeting of the Loyalty League?

A. I never heard of it, if it was.

Q. So far as you know, did any meeting of the Loyalty League ever occur such as purported to be recorded in these purported minutes which I have shown you which are claimed to have been kept by Elsie Graham Greenhaw?

I never heard of it: A.

Was anything said at the meeting of May 25 of the Donnelly Garment Workers' Union about raising money for the Loyalty League?

A. There never was anything said at any union meeting that I attended about the Loyalty League.

[fol. 4645] Q. Now, when the strike started in March at the Gernes, Gordon, and Missouri plants, did you understand at that time from your discussion with other employees that that was part of a campaign of the International Ladies' Garment Workers' Union?

[fol. 4649] A. Yes, that was my understanding.

[fol. 4653] Q. (By Miss Weyand): I believe you testified in answer to questions on redirect, that you heard discussed at the plant that the I. L. G. W. U. was going to send out emissaries to start a boycott. Do you remember who you heard discuss that matter?

A. The girls in the section, I think.

[fol. 4656] Q. Before lunch you read the minutes of a meeting in which Rose Todd made a statement about renewing the contract, which was the minutes of the meeting of February 7, 1939. Do you remember anything else that was discussed at that meeting? A, No, I don't right now.

Q. Do you remember whether very much of that meeting was given over to the discussion of the renewal of the

contract? A. I don't remember.

Q. Do you remember Rose Todd saying at that meeting, "I think our chief concern at the present time in the way of any activity is our carnival"?

A. I don't remember that she said it in just those

words.

Q. Do you remember that was the chief subject of conversation there at that meeting? A. No, I don't.

Q. In looking over the minutes and reading them this morning, did you discover that that was, as recorded in the minutes, the chief topic of conversation at that meeting?

A. I noticed there was quite a lot of discussion about

it, yes.

Q. Did you notice how the question of contract renewal happened to come up in that meeting?

[fol. 4657] A. No, I didn't.

And you didn't notice in reading over the minutes how the question of the contract to be renewed-was raised at that meeting! A. No. I don't remember.

Q. Do you remember whether there was any more in the minutes about the renewal of the contract in the section Mr. Ingraham read to you when you said you recalled it? A. I don't believe there was.

[fol. 4660] Q. I would like to have you look over these minutes again and state for me, after reading them, if you recall the method in which the question of contract renewal was raised.

Mr. Ingraham; What is the date of those minutes?

A. February 10th.

Trial Examiner Batten: What page is it?

Miss Weyand: February 7, 1939, they are written up on February 10th.

Trial Examiner Batten: What page, Miss Weyand?

Miss Weyand: This is Board's Exhibit No. 8-145, which appears in the Circuit Court of Appeals record at page 4539.

Mr. Ingraham: I didn't hear the question. What was the question?

Miss Weyand: If that refreshed her recollection, and if she could, after reading it, state how the contract renewal question came about. A. What was the question?

[fol. 4661]. Miss Weyand: Do you want the question read to you? A. Yes.

Miss Weyand: Mr. Reporter, will you please read the question?

(Last question was read by the reporter.)

A. Well, I recall it from these minutes.

By Miss Weyand:

Q. But you have no independent recollection?

A. I don't remember that, no.

Q. Even after reading the minutes it doesn't refresh your recollection? A. No, it does not.

Q. All you know is what appears on the minutes?

A. I know I was at the meeting because evidently I heard it.

Q. When Mr. Ingraham read you two paragraphs from those minutes, the ones immediately following Stella Willis' name there, did you have an independent recollection of hearing those statements made by Rose Todd at

that meeting? A. What statement was that?

Q. This morning, Mr. Ingraham read you this paragraph on record page 4541, and you stated you remembered that occurring. Now, I wanted to get it clear whether your recollection was an independent recollection which had been refreshed by reading those minutes, or whether you just saw it there and it must have happened because that is what it says. Can you tell us which it was? [fol. 4662] A. I didn't remember just how she worded that, but I knew she did say that our contract expired.

Q. You knew she said it had at a meeting in February,

1939? A. What was that?

Q. You knew she made that statement in a meeting in February, 1939?

A. Well, I remember being at the meeting where she made this statement.

Q. Do you remember what date that meeting was?

A. Well, I suppose according to this it must have been on this date.

Q. Do you remember at how many meetings she made such a statement? A. No, I don't.

Q. Do you think she made it more than once or just

once? A. Well, I couldn't answer that.

Q. You just recall at some meeting you did hear her make that statement, but you have no idea whether it was once or more than once, you have no idea when that meeting occurred?

A. Of course, our contract has expired more than once.

Q. And have you renewed it more than once f

A. I think we have renewed it each time it expired.

Q. Do you remember that coming up in that meeting?

A. Not specifically, no.

[fol. 4663]. Q. You are just saying that by what you know of the course of events, is that correct?

A. That's correct.

Q. Do you have an independent recollection she did make a statement about the renewal at some meeting, or do you just state that because it happened in the course of events?

A. Yes, I have an independent recollection she did say something about the renewal of the contract at some

Q. Do you notice from reading the minutes the subject matter discussed at this meeting other than the renewal of the contract? A. The carnival.

Q. Was there anything else discussed at the meeting until Stella Willis raised the question of the renewal of the contract? A. I believe not.

Q. And she raised that at the end of the meeting, did she?

A. Well, I don't remember what part of the meeting.

Q. Do you remember this statement being made by Rose Todd at any meeting, "As you will remember, we organized our union on April 27, 1937, and on May 27, 1937, our working agreement was signed. This agreement was to run for two years; also our wage agreement comes up for renewal on June 22nd, so please keep these things in mind. No doubt during the last two years we have all learned a great deal [fol. 4664] about unions, I know I have, there must have been a few things you have thought of, something that might be well to have changed in our agreement with the company, so bear that in mind, so if you have any suggestions or you hear anyone commenting on it, and they have any suggestions to make, please make them to me or to some member of the committee. On the whole I think it has worked out very well, but I have a few minor changes in mind that should be made, and I know some of you have, and different people have mentioned them to me from time to time."

Do you recall that Statement occurring?

A. I remember of her making remarks about having some changes in the contract.

Q. Do you remember that statement as I read it to you?

A. Well, I wouldn't say that I did, until my mamory was refreshed.

Q. Did you recognize that as the same statement M., Ingraham read to you this morning and you said you remembered that being made!

A. Well, I suppose it is the same statement.

Q. When Mr. Ingraham asked you if you remembered it being made, did you know what he was reading had been

made? A. I don't get the question.

Q. When Mr. Ingraham read this statement to you this morning and asked you if you remembered that statement [fol. 4665] having been made, did you remember that it had been made?

I did, after I read the minutes of that meeting.

Q. But you wouldn't know it aside from reading the minutes and seeing it was there?

A. I wouldn't remember it specifically, no.

Q. You have no independent recollection of any such statements, aside from the fact you read them in these minutes & A. No, not positively.

Q. When you say "not positively," what recollection

do you have?

A. Well, I mean I know those things transpired, but I don't remember at just what meeting or just in what wording they were put.

Q. Do you know whether there was any further discussion of a renewal of the contract up until the time the contract was renewed? A. No. I do not.

Q. Do you have any idea about what date the contract was renewed? A. No, I have not.

Q. You wouldn't know whether it was March, April, May or June of 1939?

A. Well, I suppose it was on the date when it expired.

Q. But you don't know one way or the others

A. No, I don't.

'[fol. 4666] Q. You have nothing that would make you recall?

A. Well, I never was on any of those committees, and the committees were the ones who negotiated the contracts. Of course, it was always up to a vote of the union for them to be accepted, but the committees were the ones who attended to all of those things, the board of chairmen.

Q. Are you certain you voted on that renewal?

A. I really am not very certain of anything right now, but I think I did.

Q. But you don't have a recollection one way or the other on it?

A. Well, we voted on various things at different times, and I think we always voted on those contracts, but I am not sure. Of course, I did miss a few meetings too:

Q. How many contracts did you have to vote on do

you have any idea? A. No, I don't.

Q. Do you think it was more than one?

A. I don't know whether it was changed the second year—I mean the first contract—was changed or not. I imagine it was some, it might not have been; it may stand as it was to start with.

Q. You don't know at all? A. No, I don't.

Q. I am going to ask the witness to look at Board's [fol. 4667] Exhibit No. 10, which appears in the record of the Circuit Court of Appeals at pages 4695 to 4696 and ask her if, after looking at that document, her recollection is refreshed as to what changes were made in the contract.

Mr. Ingraham: May I see that?

Miss Weyand: Yes.

[fol. 4668] The Witness: What was the question, please?

By Miss Weyand:

Q. If after reading that you have your memory refreshed and now know what the extent of the changes were which were made in the contract?

A. No: I still don't remember that.

Q. You don't remember anything about that?

A. No, I den't.

Q. Do you remember how the nominating committees were chosen in 1939?

Mr. Reed. Now, if Your Honor please, I am going to renew my objection that this is not recross-examination.

Miss Weyand: This all appears in the minutes that Mr. Ingraham read excerpts from, and I want to see what her recollection of those meetings is:

Mr. Reed: All right. There's no use trying to stop you, anyway.

Trial Examiner Batten: Well, isn't that true, Senator, that if that is part of the minutes which Mr. Ingraham had the winess read, it is a matter which is subject to cross-examination?

Mr. Reed: . Yes, if he read those particular articles.

The Witness: May I have the question read, please?

Miss Weyand: Miss Reporter, will you read the question to the witness, please?

(Thereupon the last question was read by the reporter [fol. 4669] as follows:

"Do you remember how the nominating committees were chosen in 1939?")

Mr. Langsdale: That is 8-154.

A. I don't remember, but I believe they were—I just don't remember what they were.

Mr. Reed: What is the exhibit you are referring to, please?

"Trial Examiner Batten: What page is that on?

Miss Weyand: It is on page 4544. It occurs at page 4545, which is in the minutes of the meeting of March 14, 1939, from which the respondent read the witness excerpts after having her read through the entire minutes and state that she was present at the meeting.

By Miss Weyand:

- Q. Do you have any recollection at all as to how the nominating committees were chosen in 1939?
 - A. I don't remember.
 - Q. You don't remember at all!
 - A. No.
 - Q. Do you remember reading about that this morning
 - A. Yes, I remember reading about it.
- Q. But you don't remember what it said at all You don't remember the names of the persons who made the motions, or what they suggested?

No answer.)

[fol. 4670] Q. You have no recollection of that?

A. No, I haven't.

Q. You have no recollection of whether they were going to elect the nominating committees or have Rose Fodd appoint the nominating committees?

A. .I think they were going to be elected.

Q. Are you at all certain of that?

A. No, I am not.

Q. You wouldn't know one way or the other?

A. I don't think Rose Todd appointed those nominating committees.

Q. But you don't remember whether it appeared in the minutes that they decided to elect them or have them appointed?

A. Are you talking about the committee or the chair-

men?

Q. It was the nominating committee I was talking about, preparatory to your annual election you held in April of each year; and I am inquiring about 1939.

A. To my recollection, Rose Todd did not appoint the

nominating committees.

Q. Did someone else appoint them?

A. I think they were appointed in open meeting. They were pamed and voted on, if I remember correctly.

Q. And you think that occurred in 1939?

A. I think it did.

Q. But you do not have any recollection of whether it [fol. 4671] did or not?

A. No, I don't.

Q. And you don't know whether it appeared in the minutes you read this morning of March 14 how they decided to select the nominating committees?

A. I don't remember.

Q. Do you have any independent recollection of the meeting of May 25, 1937!

A. I read those minutes this morning but I don't believe I kee any independent recollection of that meeting, except that I know the meeting was called after working hours, in the afternoon.

Q. Why do you say that --

Mr. Reed: Please let her finish.

A. They all were.

By Miss Weyand: -

Q. That is the reason you say that one was, because they all were?

A. Yes. I attended the meeting, and I know I never attended one unless it was held after working hours.

Q. What time did you get through work?

A. Either at 4:10 or 5:10. At that time of the year I imagine we were working 9 hours in our section, and that would make it 5:10.

Q. When you say you imagine— Do you have any independent recollection on it?

[fol. 4672] A. No.

[fol. 4674] Q. Do you remember at how many meetings you raised money for, Mr. Tyler's fee?

A. The original fee?

Q. For any fees for Mr. Tyler at any time prior to July 15, 1939.

A. The only meeting I recall where we raised funds was the meeting at the last of March.

Q. That is the only time you recall ever raising any money for Mr. Tyler's fees?

A. Of raising money at the meeting, yes. I know we voted once on a special assessment.

6. At another time?

A. Yes. I don't know whether it was more than once or not, but Irdo remember one time we voted on appecial assessment.

Q. Do you remember at how many meetings you discussed the question of raising money for Mr. Tyler's fee?

A. No, I don't.

Q. Did it occur quite regularly at meetings?

A. I don't think so. It might have.

Q. How many meetings can you now place where [-] [fol. 4675]. was discussed?

A. I couldn't say, Miss Weyand.

Q. You have no idea?

A. No.

Q. Do you remember the one the last part of March,

A. Where we took the money at the meeting, yes; I remember that because that was the only one where there was a collection taken, to my knowledge.

[fol. 4676] By Miss Weyard:

Q. How many times do you remember assessments being made to raise funds for Mr. Tyler's fee?

A. Special assessments?

Q. 'Yes.

A. I remember one.

Q. And what was that amount? [fol. 4677 A. It was \$1.00.

Q. That is the only one you remember?

A. That is the only one I remember.

Q. If I told you there was an assessment of \$2.00 a member in 1939, would you know whether that statement was accurate or inaccurate?

A. I wouldn't want to say. To my knowledge, I would

say it was inaccurate.

Q. You do not have a recollection that in 1937 there was 50 cents apiece raised, and in 1938 there was \$1.00 apiece raised, and in 1939 there was \$2.00 apiece raised?

A. No. I remember the dollar, but I have forgotten

the others, if they were raised.

Mr. Ingraham: Are you referring to what the union raised?

Miss Weyand: What the employees raised for Mr.

By Miss Weyand:

Q. How do you happen to recall the dollar assessment? Is there anything special that fixes that in your mind?

A. Yes, there is. I collected it in our section.

Q. Where did you collect that, at the machines?

A. I don't remember. I think I collected it on the lunch hour.

Q. Did you give each girl a receipt?

A. Yes, I did.

[fol. 4678] Miss Weyand: I would like to have the witness read the minutes of the meeting of April 4, 1939, being Board's exhibit 8-153, beginning in the Circuit Court of Appeals record at page 4546, directing her attention particularly to page 4553.

[fol. 4680] By Miss Weyand:

Q.\ Did you attend that meeting?

A. Yes, I did.

Q. Does that refresh your recollection about the assessment of \$2.00 a person?

A. Yes, it does.

Q. And you now remember this was \$2.00 assessed?

A. I remember, yes.

Q. Do you know who this Harry Grogatis who participated in the motion to assess \$2.00 a member?

A. No, I don't know.

Q. You don't know who he was?

A. No.

Q. You have an independent recollection now, after reading this, that \$2,00 was assessed at that meeting?

A. Yes, I do remember it. I remember now the girl in our section that collected the money for that, too.

Q. Do you know her name?

Ar Alpha Elsten.

Q. Do you happen to remember that occurred in April, 1939, or do you just remember the \$2.00 collection?

A. I just remember the \$2.00 collection, I don't remember the date.

Q She gave you receipts?

A. Yes.

Ifol. 4684] Q. You stated on redirect examination by Mr. Ingraham that you understood that at the meeting at which each agreed to contribute 50c, that the money was to be paid to Mr. Tyler as a fee to prosecute an injunction suit!

A. Something to that effect.

Q. And did you ever give Rose Todd or anyone else your consent that it be paid to him for anything else?

A. No, I did not.

Q. Did you ever hear that it had been paid to him to get up the by-laws and write the working agreement and give other advice to the Donnelly Garment Workers' Union?

A. No, I did not.

[fol. 4685] Q. Now, you stated that never, at any Donnelly Garment Workers' meeting did you ever hear the Loyalty League mentioned, did you?

A. Will you please recite that again?

Trial Examiner Batten: Will you read the question, please?

(Last question was read by the reporter.)

A. Well, I don't remember. It probably was mentioned, because a lot of times if the Loyalty League was giving a dance or card party or any kind of entertainment, it would only be natural that we should have it announced at our union meeting, that they were giving it, they would expect all of us to do our part.

[fol. 4686] Q. Then, your recollection on whether or

[fol. 4686] Q. Then, your recollection on whether or not it was ever mentioned is not clear, is that right?

A. No. it is not.

Q. It may have been mentioned?

A. It may have been mentioned, but I don't remember.

Q. Yes, and it may have been mentioned/at the meeting of May 25, 1937?

A. It might have been.

Q. Now, you said that you saw Marjorie Green taking notes at meetings, did you?

A, I did.

Q: Well, you don't mean to tell the Examiner that she was present at every meeting of the Donnelly Garment. Workers' Union and took the notes?

A. Well, to my knowledge she was present at every meeting the first two years; I think she was secretary, and I don't remember of any meetings where she was absent.

Q. Well, did you know of her going on a vacation at any time and letting someone else take the minutes?

A. No, I didn't.

Q. Well, you say that didn't happen?

A. No, I wouldn't say that it didn't happen, but I don't remember of being at any/meeting where Marjorie Green was absent.

Q. It could be that you did get away from your work on [fol. 4687] May 25, 1937, at 4:10, could it?

A. Yes, it could be.

By Mr. Langsdale:

Q. And it could be that the meeting was going on when you got there?

A. I don't believe that a meeting was ever going on at

that particular time of day.

whether you arrived at the meeting of May 25, of ore the meeting stanted?

A. I'don't know but I was usually there before they

started.

[fol. 4689] By Mr. Ingraham:

Q.5 Very well; you recall Miss Weyand inquiring if the employees had raised \$1, sometime?

A. Yes, I do.

Q. Now, I wish you would state whether or not, when you answered that they did, that you meant to say that the \$1 was raised at the meeting of the employees in the latter part of March 1937?

[fol. 4690] A. No, I didn't mean that.

Mr. Ingraham: I wanted to clear that up.

Trial Examiner Batten: As a matter of fact, I don't think the record indicates that at all.

Mr. Langsdale: The \$2 that Miss Weyard inquired about, that was raised at the meeting of April 4, 1939.

Miss Weyand: There was \$1 in 1938 and \$2 in 1939.

Trial Examiner Batten: I think the record is very clear.

[fol. 4691] . Recross-Examination

By Mr. Lane:
Q. The \$1 collected, mentioned by Miss Weyand, in 1938, and the \$2 mentioned by Miss Weyand in 1939, were assessments made by the union on its members and paid by the members of the union to the union for union purposes, was it?

A. That's right,

Trial Examiner Batten: Well, certainly if it was not clear, it ought to be now. As a matter of fact, I think it

was before. Miss Weyand even started to ask her questions about the 50c, the \$1 and \$2; it is not only here by witnesses but it is a matter of record in minutes and written documents.

Mr. Lane: It was intimated that it referred to the employees and did not refer to the union.

[fol. 4692] Trial Examiner Batten. Mr. Ingraham?

Mr. Ingraham: I would like the record to show that Wave Tobin is present in court and has been present at every session since she was on the stand, and respondent again asks the right to continue its examination of her.

Trial Examiner Batten: Has Mrs. Reed been in court since we started up again, Mr. Ingraham?

Mr. Ingraham: No, she has not.

Trial Examiner Batten: Well, I think I can verify the fact for you that, as far as I recall, Miss Tobin has been here ever day.

We will proceed.

Mr. Ingraham: And my request to be permitted to continue my examination of her will be denied?

Trial Examiner Batten: We will proceed in line with the ruling which I have previously made, Mr. Ingraham.

Lois Barnes, a witness called by and on behalf of respondent Donnelly Garment Company, being first duly sworn, was examined and testified as follows:

Direct Examination

Trin Examiner Batten: Will you give us your name?

The Witness: Lois Barnes.

By Mr. Ingraham:

Q. Where do you live, Mrs. Barnes! [fol. 4693] A. 3752 Wabash. By Mr. Ingraham:

Q. Where are you employed?

A. Donnelly Garment Company.

Q. How long have you been employed at the Donnelly Garment Company?

A. Ten and a half years.

Q. In what capacity are you employed?

A. Operator.

Q. Do you do any special kind of sewing?

A. I do straight needle and binding.

By Mr. Ingraham:

Q. Were you employed and working at the Donnelly Garment Company in the spring of 1937?

A. I was.

Q. Are you a member of the Donnelly Garment Workers' Union?

A. Yes, I am.

Q. Do you recall when you became a member? [fol. 4694] A. I became a member when the union was formed.

Q. Were you at the meeting at which the union was formed?

A. Yes, I was. .

Q. Will you state approximately when that meeting was held? Do you recall?

A. The last of April,

By Trial Examiner Batten:

Q. What year, Mrs. Barnes?

A. 1937.

By Mr. Ingraham:

Q. Now, prior to that time had there been any violence going owin Kansas City at other garment plants?

A. Yes, there had,

Q. Had you read articles in the paper about that violence?

A. Yes, I read quite a number of articles about it.

Q. I have shown you respondent's exhibits Nos. 18 through 31, and respondent's exhibits 36 and 37—

By Mr. Ingraham:.

Q. Have you read all of those articles?

A: I read all of them in the Star but not all in the Journal-Post.

Q. Will you pick out the articles that you did read and state what exhibit it is?

[fol. 4695] By Mr. Ingraham:

Q. As you go through call off the ones that you have read.

A. The ones I did read?

Q. Yes.

A. (Looking through exhibits.) Exhibit 19, exhibit 20, exhibit 21, exhibit 24,— You mean, just in the Journal-Post?

Q. No. In the Star and Times, too-

A. Exhibit 25, 26, 27, 28, 29, 30, 31, 33, 34, 35—

Mr. Langsdale: Just a moment. 35%

Mr. Ingraham: Omit 35. I think I asked you about 18 to 34, inclusive.

Trial Examiner Batten: And 36 and 37.

Mr. Ingraham: That is right.

A. (Continuing) —36, and 37.

By Mr. Ingraham:

Q. State what effect these articles had on you,

A. . They worried me very much.

offol. 4696] By Mr. Ingraham:

Q. Had you any personal knowledge of the violence going on at Twenty-sixth and Grand at this time?

A. I didn't see it.

Q. You did not see it?

A. No, I did not.

*Q. Was the violence discussed generally among the employees at the Donnelly plant?

A. It was. It was discussed very generally, and there was a lot of excitement at the time.

Q. And were these newspaper articles read by the employees, so far as you could observe?

A. Yes, they were.

Q. And what, in your opinion, was the effect on the [fol. 4697] other employees at the plant of the violence going on at the other strikes?

A.. They were afraid the same thing would happen to them, and they didn't want any of that sort of violence

down in front of our plant.

Q. Had any threats been made?

A. I think some had been made along in January.

By Mr. Langsdale:

Q. Of what year?

A. That same year.

By Mr. Ingraham: .

Q. Did you understand that the International was going to use the same sort of violence against the Donnelly employees?

A. That was what we understood. In fact, I think they stated that that wasn't anything to what we would get

when they got around to us.

Q. Did you consider that the strikes at the other plants were preliminary to the violence that was going to be used against the Donnelly employees?

[fol. 4698] A. Yes, I did. We had heard they were going to organize us, but I don't believe anyone was excited until they really started on those other places, and then we began to realize what they meant.

By Mr. Ingraham:

Q. Now, will you please state what caused you to vote in favor of forming the Donnelly Garment Workers' Union?

A. I didn't want to be a party to that sort of an organization. That was my main reason.

Q. What sort of an organization are you referring to?

A. The I. L. G. W. U. I didn't want to be identified with people that had no more principle about them than to go out and cause disturbances and riots and molest people who were trying to work, and force them to join something they had no interest in whatever and didn't need.

Q. Did that cause you to vote in favor of joining the

Donnelly Garment Workers' Union?

A. It did. Also I had never had any trouble at the Donnelly Garment Company. I was completely satisfied [fol. 4699] with the working conditions there and I didn't think we needed any interference.

Q. What time of day did the meeting take place in which the Donnelly Garment Workers' Union was organ-

ized?

A. I can't say exactly. I think it was around 5 o'clock.

Q. Was it after your working hours? A. It was.

Q. Do you know where the meeting was held?

A. I believe, on the second floor. It was a vacant floor at that time.

Q. Did any executive or officer of the company or anybody you thought represented the company discuss with you about holding such a meeting?

A. I never discussed it with anyone except the girls I

worked with.

Q. Did any officer or executive of the company or anybody you thought represented the company ask or suggest that you attend that meeting? A. No, they did not.

Q. Did any officer, executive, or any person you thought represented the management ever suggest to you that the Donnelly Garment Workers' Union or any other union be organized? A. No.

Q. Did you hear any discussion among the employees that the company wanted the employees to organize the

Donnellf Garment Workers' Union?

[fol. 4700] A. No, I never heard anything about what the company wanted.

Q. Do you recall who presided at that meeting?

A. The April 27 meeting?

Q. Yes.

A. I think it was Rose Todd.

Q. Do you recall whether or not Mr. Tyler was present at that meeting? A. Yes, Mr. Tyler was present.

Q. Did the employees take a vote on whether or not

they would organize a union? A. They did.

Q. Will you state briefly what took place at the meeting?

A. Rose Todd told us there had been a committee—No, that wasn't that meeting. She said Mr. Tyler was there, that they had consulted with him, and—

A. (Continuing) —Mr. Tyler was there to talk to us and tell us what our rights were within the law and to advise us as to what we could do.

By Mr. Ingraham:

Q. Were cards passed out to be signed by employees if they wanted to join the Donnelly Garment Workers' Union?

[fol. 4701] A. Yes, they were passed out. I think most of the boys, the basket boys, and different employees there handed out the cards, and they said—or Rose Todd said we could sign the cards then or we could turn them in later; she wanted us to think it over before we signed them.

Q. Did you sign a card? A. Yes.

Q. Did you vote in favor of organizing the Donnelly Garment Workers' Union? A. Yes, I did.

Q. Did you join the Donnelly Garment Workers' Union

of your own free will? A. I'did.

Q. Have you continued to belong to the Donnelly Garment Workers' Union of your own free will? A. . I have.

By Mr. Ingraham:

Q. I will ask you if you felt that if you did not join the Donnelly Garment Workers' Union the company would penalize you! A. No, I did not.

[fol. 4702] Q. Was there any suggestion or pressure

brought to bear on you or any other employee by anybody representing the company in order that you would join the Donnelly Garment Workers' Union?

A. Not to my knowledge.

Q. I will hand you respondent's exhibit 16 and ask you if you recall seeing the pictures that are at the bottom of the front page of the Kansas City Times on March 18, 1937.

A. Yes, I saw that.

By Mr. Ingraham:

Q.— I believe you stated that you did read the article that is contained in respondent's exhibit No. 27, which appeared in the Kansas City Star on March 17, 1937? The article is entitled "Sitters Block the Door." A. Yes, I did.

Q. Did you see the picture that appears on that ex-

hibit? A. Yes, I saw the picture.

Q. Now, at the time referred to in these two exhibits, March 17 and 18, 1937, what effect did the sit-down states [fol. 4703] at Gernes, Gordon, and Missouri have on you?

A. It made me frightened, for one thing. I know I watched every morning for them to be down in front of our door, and my husband drove me to work every day.

Q. Now, state whether or not a meeting of employees

was held about that time.

A. About the time of this violence?

Q. This sit-down strike on March 17 and 18.

A. Yes, there was.

Q. Where was that meeting held?

A. On the second floor, I believe.

Q. Was that meeting held after working hours?

A. Yes.

Q. How did you learn that there was to be such a meeting?

A. It was a matter of general knowledge. It was passed around like word is when everybody is supposed to know something. It was passed from one floor to another, and from one girl to another. Of course, everybody was expecting something, because they wanted to do something to protect themselves.

Q. Had there been a general discussion among the employees prior to the time of this meeting that they wanted

to do something to protect themselves?

A. Yes, it was generally discussed, and I imagine, from the time—oh, from the first of the year there was a little [fol. 4704] discussion about it.

Q. Will you state who presided at that meeting of em-

ployees on March 18?

A. I think Rose Todd was asked to preside at that meeting.

Q. Did you consider that meeting a Loyalty League meeting!

A. No. I knew it wasn't a Loyalty League meeting.

Q. How did you know it wasn't a Loyalty League meeting?

A. Because we were going to see what could be done to protect ourselves from the I. L. G. W. U.

Q. Was anything said with respect to Mrs. Reed coming to the meeting?

A. Well, after we were at the meeting someone wanted her to come down and speak to us.

Q. Did she come down? A. Yes, she did.

Q. Did you hear Mrs. Reed make the statement that if the plant was unionized she would close it, or something to that effect? A. I don't remember that.

Q. Did you hear Mrs. Reed say that she would not let Dubinsky tell her how to run her business?

A. No, I don't remember it.

Q. Did Mrs. Reed make any statement with respect to whether or not employees could join or not join a labor organization?

A. She said that they had a right to make up their own [fol. 4705] mind whether they would or would not join any

labor organization.

Q. Did she say anything with respect to forcing employees to join or not join a union.

A. She didn't say anything about forcing anyone to do

anything. 👟

Q. Did she make any statement with respect to Dubinsky that you recall?

A. Well, it seems to me I read that in the paper, but

'whether she said it, I don't know.

Q. Now, did your instructor tell you to go to that meeting? A. No, she did not.

Q. Did anybody representing the management request or suggest that you attend that meeting? A. No.

Q. Did anybody representing the management discuss with you that meeting prior to the time it was held?

A. No, they did not.

Q. Did you go to that meeting of your own free will?

A. Yes, I did.

Q. Did you feel any pressure on the part of the company that if you did not attend that meeting you would be penalized? A. No, indeed.

[fol. 4706] Q. Now, was there anything said at that meeting about appointing a committee?

A. Which meeting?

Q. ' March 18.

A. Yes, there was a committee appointed to see a lawyer and find out what steps we could take to protect ourselves against violence. Q. Will you state whether or not there was any discussion about bringing an injunction suit?

A. I don't know whether it was discussed at that meet-

ing or not.

Q. Do you know who was on the committee?

A. . That went-

Q. (Interrupting) That went to employ lawyers?

A. No; I believe there were three, but I don't remember who they were.

Q: Did you know whether or not the committee ever

reported back to the employees?

A. I don't remember any certain word, but the outcome of that was the meeting the last of March, to hear what they had found out from the attorneys.

Q. Was that a meeting of employees? A. Yes.

Q. Do you know what time of day that meeting took place? A. I imagine it was around 5.

[sol. 1707] Q. Was it during working hours

A. No, it was not.

Q. Do you know what place in the building the meeting was held?

A. On the second floor, I believe.

Q. Now, will you state what was done at that meeting?

A. I think some of us expected that the attorney would be there, but Miss Todd told us that before anyone would take a case like that, that they required a retainer fee, which is customary, I think, and that after we had raised money enough to retain an attorney, then we would get definite information; so, I think there was a motion made — well, there was a discussion on how to raise the money, for it, and they even discussed candy sales, but they overruled that, and decided a donation would be simpler and easier, and everybody would share equally in the expenses.

Q. Do you know the amount of the contribution that

was agreed upon!

- A. Yes, it was 50c.
- Q. Did you give 50c?

A. I did.

Q. When did you give it?

A. I think I gave it the next day. Some of the girls were so enthusiastic they threw their money on the platform, but Miss Todd said not to do that because there was [fol. 4708] no way of checking who had given, and that

they wanted to be stre that the girls who paid would have their names down and wouldn't be asked again.

Q. Did anybody representing the company discuss that

meeting with you?

A. No, they did not.

Did anybody representing the company suggest or ask you to attend that meeting?

No, they didn't.

Q. Did your instructor direct you to attend the meetingl

No, she didn't. A.

Did anything occur that led you to believe that the company would penalize you if you did not attend the meeting and make a contribution?

A. No, there was no fear of that, no fear of anything

down there, and there never has been,

[fol. 4709] By Mr. Ingraham:

- Q. Have you had any fear that the company would penalize you for anything you did in connection with any laborematters?

No:

Mr. Langsdale: Wait a minute. Are you confining that up to July 15, 19391

Mr. Ingraham: Yes, up to the middle of July, 1939.

Trial Examiner Batten: Of course, I presume I should say againothat perhaps I am assuming too much; but I am assuming that the attorneys are complying with that --

Mr. Ingraham: (Interrupting) Unless otherwise ---

Trial Examiner Batten: (Interrupting) Unless otherwise. Of course, I am not recommending that you go along too long in asking questions of the witnesses without referring to it.

Mr. Langsdale: Just so long as it is understood we. don't have to meet any time after that, then I won't have any objection.

"Trial Examiner Batten: Of course, as far as I am concerned, that is understood.

Mr. Ingraham: Well, that is my intention.

Mr. Langsdale: I thought it was what you said.

Mr. Ingraham: Yes.

Mr. Reed: For the sake of clarity, we want it understood, we must stop at July, 1939, that we are not afraid [fol. 4710] to go beyond that. We are stopping at that point because that is the ruling of the commissioner.

Trial Examiner Batten: But my understanding is that the position of the Respondent is that we should not try out the issues from July 15, 1939, down to today.

Mr. Reed: That is perhaps true because, by Your [fol. 4711] Honor's ruling, which I think was a correct ruling, the issues that are to be tried here are to be confined to the charges which were made.

By Mr. Ingraham:

Q. Mrs. Barnes, did you consider the meeting the last of March, when the money was raised to pay the lawyer, a Loyalty League meeting?

A. No, I didn't.

- Q. Did you consider the meeting where the Donnelly Garment Union was organized a Loyalty League meeting?
- A. No, I didn't.
 Q. Did you consider the meeting of March 18 a Loyalty
 League meeting?

A., No. .

Q. Did the fact that Rose Todd took an active part in those various meetings lead you to believe that they were Lovalty League meetings?

A. No, that never entered my mind.

Q. Are you a member of the Loyalty League?

A. Yes, I am.

Q. Will you state what activities the Loyalty League

has had, to your knowledge?

A. They have sponsored dances and card parties, and we have had carnivals — I don't know whether the Athletic

[fol. 4712] Association sponsored those or whether it was the Loyalty League, but they were purely social, we just had a good time.

Q. Did you feel that the company would penalize you

if you did not belong to a Loyalty League?

A. No.

Q. Was the Loyalty League a social organization?

A. Yes, that was my understanding.

Q. Did you have any dues?

A. I didn't pay any dues.

Q. Did you ever hear of anybody paying any dues in this Loyalty League?

A. I never heard of anyone paying dues.

Q. Did you ever hear of the Loyalty League helping you or any other employees in connection with labor matters?

A. No, I never did.

Q. Did you ever authorize anyone connected with the Loyalty League to have the Loyalty League act for you in labor matters?

A. No, I never did.

Q. Did you understand that The Loyalty League was sponsored by the company?

A. I don't think it was sponsored by the company.

... Q. Who was it sponsored by?

A. I think it was an organization of employees.

Q. Are there other organizations down at the plant that [fol. 4713] employees have besides the Loyalty League?

A. The Donnelly Garment Workers Union.

Q. Well; aside from the Donnelly Garment Workers' Union, are there social organizations at the plant, and

at letie organizations?

A. There is an athletic organization, although I don't know much about it. It is run by the employees, and they also, in some sections, have clubs that they have organized themselves.

-Qr Are the sectional clubs social organizations?

A. Yes.

Q. Now, did you ever understand or question the impression in any way that the Loyalty League was promoting the formation of the Donnelly Garment Workers Union?

A. No, I never had that impression.

- Q. Did you ever understand or question the impression that the Loyalty League no, that the Donnelly Garment Workers' Union was a successor to the Loyalty League?
 - A. No, that is a different organization altogether.
- Q. Is there any connection, except that employees belong to both organizations? Is there any connection between the Donnelly Garment Workers' Union and the Loyalty League?

A. No, not to my knowledge.

Q. Did any instructor order you to go or attend the meeting of March 18?

[fol, 4714] A. No, she didn't.

Q. Did any instructor order you to attend the meeting in the latter part of March, when a contribution was made for lawyers?

A. She did not.

Q. Did any instructor order you to go to the meeting of April 27?

A. She did not.

By Mr. Ingraham:

Q. I'll hand you Respondent's Exhibit No.26, and ask you if you recall reading this article that appeared in the Kansas City Times, as of February 26, 1937.

[fol. 4714a] By Mr. Ingraham:

Q. There is a second page to that. Did you read that article?

A. Yes, I read it.

[fol. 4715] By Mr. Ingraham:

Q. What effect, if any, did this article have on your joining the I. L. G. W. U. or not joining the I. L. G. W. U.?

A. Well, I didn't like their practices as far as their organizational activities were concerned, and them going out and trying to knock another person's business in order to get members for themselves.

Q. Do you recall reading the part of the article that states, "Part of the union's campaign directed against the Donnelly Garment Company will be to send six women to cities and towns where its garments are sold, advising retailers and labor organizations, Mr. Perlstein said. Miss Palmer will have charge of this squad of field workers."

A. Yes, we discussed it.

Q. Did you also read this sentence, this paragraph, "The union claims only 25 members in the Donnelly workers, but officials expect hundreds of others are related to union members. Within a year we will have it completely organized, Mr. Perlstein said, and as soon as we have enough members, we will call a strike. This will be in addition to carrying our side to the consumers." Do you remember reading that particular article?

A. Yes, we were afraid of — we knew that would be the first thing they would do, call a strike, since they thought

[fol. 4716] they could.

Q. Now, do you recall shortly after that article appeared in the paper that a petition was circulated among the employees of the Donnelly Company.

A. Yes.

Q. Directed to Mrs. Reed?

A. Yes, I do.

Q. I will hand you I. L. G. W. U. Exhibit No. 10, and ask you if you recall the writing that appears at the top of the page as the same writing that was on the page that you signed.

By Mr. Ingraham:

- Q. Did you sign such a petition?
- A. Yes, I did.
- Q. Did the article that you have just testified about, that appeared on February 26, 1937, have anything to do with your desire to sign this petition?
- A. Yes, I think that was what motivated me in signing it.
- Q. Do you recall in this petition it stated that, "You refused to acknowledge any union labor organization"?
 - A. I do.

[fol. 4717] Q. What organization were you referring

A. I knew what I was signing. Of course, I think it was uppermost in everyone's mind, it was in mine, the idea of joining the I. L. G. W. U. didn't appeal to us, but I don't think we cared about any organization coming in and telling us what we should do.

Q. Now, did you want Mrs. Reed to know that at that

time? A. Yes, I did.

Q. Was the I. L. G. W. U. the only organization that was trying to organize you at that time?

A. As far as I know.

Q. Now, who asked you to sign this petition, if you re-

A. There were two girls came up with it, Mary Sprofera, I believe it is, and Inez Warren, and I don't remember which one asked me, but they were together, and they handed it to me.

Trial Examiner Batten? What section were you in then,

[fol. 4718] A. In 414.

Trial Examiner Batten: That is on what floor?

A. Eighth floor.

By Mr. Ingraham:

Q. Do you recall what they said to you, when they,

handed you the petition!

A. They asked me if I would read that and sign it if I cared to.

[fol. 4719] Q. Did you want Mrs. Reed to know how

you felt about refusing to acknowledge the I. L. G. W. U.?

A. Well, I wanted— I suppose I might say I wanted her to know, and I think we all wanted each other to know,

Q. Did anybody representing the management discuss with you the signing of this petition?

A. No, they did not.

Q. Did you understand or believe that you would be penalized by the company if you did not sign the pentition?

A. No, I didn't.

Q. Did your instructor ask you to sign the petition?

A. She did not.

Q. Did you discuss the signing of this petition with your instructor? A. No, I [did].

· Q. Did you hear your instructor tell anybody to sign the petition?

A. No, I didn't. I don't think they knew that it was

going around.

Q. Who do you mean, "they ??

A. Any of the instructors or— A lot of people didn't know it was going around until it was handed to them.

Q. Did you sign the petition of your own free will?

A. Yes, I did.

Q. Did it express your sentiment uninfluenced by any-[fol. 4720] thing that the management did?

A. It expressed my sentiments very deeply.

Q. Did you ever hear that the petition was circulated by the Loyalty League? A. No.

Q. Was anything said to you about the Loyalty League

when the petition was presented to you?

A. The Loyalty League was never mentioned.

Q. I hand you respondent's exhibit No. 7 and ask you if you recall reading this article that appeared in the Kansas City Journal-Post for March 6, 1937.

(Thereupon the article referred to in the last question was read by the witness.)

Q. Do you recall reading that article?

A. I believe I did.

Q. Have you ever heard Senator Reed make a speech?

A. Yes.

Q. Did you near Senator Reed make a speech in 1936; do you recall?

A. I don't recall wnat year it was.

• Q. Did you ever hear Senator Reed say in any political speech anything about Mr. Dubinsky \$

A. No, I never did.

Q. Did you know until you saw this article on March 6, 1937, that Mr. Reed had said many harsh things about [fol. 4721] Mr. Dubinsky in the recent political campaign?

A. No. I didn't hear it.

Q. Now, the fact that Mr. Dubinksy stated in a public speech in Kansas City, which was published in the Journal-Post on March 6, 1937, Mr. Reed said many harsh things about him in the recent political campaign, did that have anything to do with influencing you to form the Donnelly Garment Workers' Union?

A. I don't know that it did. My mind was already made up.

Anything that Mr. Reed said had nothing to do with

why you did not want to join the I. L. G. W. U.?

Nothing that he said made any difference to me.

Did anything that Mr. Reed ever said have anything to do with causing you to favor forming the Donnelly Garment Workers' Union?

A. No. He wasn't responsible in any way.

[fol. 4725] Mr. Ingraham : I will hand you Board's Exhibit 27 and ask you to read that article which appeared in the Kansas City Times on May 11, 1937.

By Mr. Ingraham:

Do you recall reading that article?

Yes, I read that.

Did anything that was attributed to Mr. Reed in that article influence you in any way in your feelings toward the I. L. G. W. U.1

A. I think my feelings were already formed at that time.

Trial Examiner Batten: Of course, the question to you is, Mrs. Barnes, whether this had any influence upon you.

No, I don't believe that it did. I think I already [fol. 4726] had those ideas.

By Mr. Ingraham:

Q. Well, when you say you "think", do you mean that you did or that you don't recall?

A. Well, it wasn't that article. My mind was made up

before I read the article.

Q. Now, in this article it states that Mr. Reed saidit is in quotation marks-that the "employees of this company aren't only satisfied but on their own motion some months ago organized a Loyalty League to resist the activities of Mr. Dubinsky and his crowd, and substantially all of the employees voluntarily became members of that organization." Now, as a matter of fact, when had the Loyalty. League been organized, if you recall?,

A. The Loyalty League was organized in 1935.

Q. And this article was on May 11, 1937, so it was more than a few months?

A. Yes, it was several months.

Q. I will band you respondent's exhibit 42, which is an article that appeared in the Kansas City Times for November 10, 1936, and ask you if you recall reading that article.

A. Yes, I read that.

[fol. 4727] By Mr. Ingraham:

Q. Do you recall this article purported to state that Mr. Dubinsky said that the organization drive would open with establishment of offices in St. Louis, Kansas City and Pennsylvania and upper New York? A. Yes.

Q. Do you recall further it stated that Dubinsky asserted the St. Louis office would have sufficed for Missouri, "except that the union wants to give Jim Reed a break. He explained that the wife of James A. Reed, former Democratic candidate for Senator for Missouri, is the founder and principal stockholder of a factory in Kansas City." Do you recall reading that in the article?

A. Yes, I remember he said he was going to give Jim

Reed a break.

Q. Do you further recall that he said, "the Kansas City office of the drive will concentrate on unionizing employees in the Donnelly Garment Company, which Dubinsky said is largely owned by Mrs. Reed." Do you recall reading that? A. Yes.

Q. Now, had there been strikes, to your knowledge, in garment plants in Kansas City prior to the time, Novem-

ber 1936?

Are There had been some in 1936, but I don't know now [fol. 4728] what time.

Q. Do you recall whether there had been any in 1935?

Mr. Langsdale: If the Examiner please, that certainly isn't within the offer of proof.

Trial Examiner Batten: Well, I have my doubts myself, whether it is within the offers of proof. Is it in apy offer of proof?

Mr. Ingraham: I think we made an offer of proof to show—I mean that was broad enough to cover this, to show the employees' reasons.

Trial Examiner Batten: Well, let's find out. Of course, if you take the position that the situation in 1936 was such, and it is covered by the offer of proof, that there was no action on their part until 1937—if the offer of proof covers it I have no objections to it, Mr. Ingraham.

Mr. Ingraham: Just a moment. Let me refer to the offers of proof.

Mr. Langsdale: I have here the specific offer with reference to strikes at Gordon, Gernes, and Missouri.

Mr. Ingraham: What page is that?

Mr. Langsdale: On the Intervener's it is on page 2 of their offer and reads as follows:

"The undersigned would also testify under oath if present in Court in this hearing that during the month of March, 1937, the disorders and violence connected with the Gordon, Gernes, and Missouri strikes then being carried on were a subject of common and frequent conversation [fol. 4728a] and comment and discussion by the employees of the Donnelly Companies; that it was commonly reported, and each of the undersigned has heard, that the I. L. G. W. U., or some of the pickets or strikers in those strikes, had committed acts of violence, and that they, or, so ne of of them, had claimed that the Donnetty plant was next on the list, or similar words, the substance of which was that the people connected with the strikes, and the violence connected therewith, planned and intended to subject the employees of the Donnelly Companies to similar violence if such employees did not join the International Ladies' Garment Workers' Union; that the undersigned had all seen or heard of articles in the newspapers concerning the strikes at Gordon, Gernes, and Missouri; that as a result of this information the attitude of mind of the undersigned parties, and of the employees of the companies in general, was one of apprehension, uneasiness, and so forth."

Now, that is in intervener's offer of proof. The Respondent's offer of proof, on page 18 thereof, is the following:

"That he was present at a meeting of employees held on March 18, 1937, on the second floor of the Corrigan Building; that said meeting took place after working hours; that said meeting was arranged by Rose Todd and Hobart Atherton; that Miss Rose Todd, an employee of the company, presided at the meeting; that the principal topic discussed at the meeting was the strikes which were then [fol. 4729] occurring at the Missouri, Gernes, and Gordon Garment factories, and the violence and molestation of the employees of such companies by the International Ladies' Garment Workers' Union and the threats that the Donnelly Garment Company would be next', and the same things would be done to the employees of the Donnelly Garment Company as were being done at the Missouri, Gernes and Gordon plants, and so forth."

That is the only thing I can find that said anything about strikes in their offer of proof.

Trial Examiner Batten: Mr. Lane, did you look through the offers of proof?

Mr. Lane: I have only looked through my own. I have been following what Mr. Langsdale read from our offer.

Trial Examiner Batten: What is your position on this matter, Mr. Lane?

Mr. Lane: Why, I think it is for the continuing state of mind of the employees, and if that state of mind was induced by acts in 1935 and 1936, I think it is within the purport of the offers, and that we aren't confined to the exact wording or matters stated in the offers. The thing we are trying to find out is whether or not they were under threats and domination on the part of the employer, and if that continued until 1937.

Trial Examiner Batten: What we are trying to do in this hearing is to take the testimony which the Circuit [fol. 4730] Court said I had rejected, Therefore the question arises, is, it within the offer of proof?

in

Mr. Lane: Well, the testimony is to be how and why they formed the Donnelly Garment Workers' Union. One of the reasons they did was that in 1935 the International had done certain things which created a state of mind which continued; I think that is competent.

Mr. Langsdale: Those words "how" and "why" don't hold true. Whenever a general thing is followed by a specific thing, there is an old rule that it is governed by that specific thing, and they specifically set out strikes at the Gernes, Gordon, and Missouri plants in 1937; and they went on to allege that, right at that time, these people formed their union.

Trial Examiner Batten: That is page 6, that is the paragraph we have discussed several times at the hearing [fol. 4731] before the Trial Examiner, when the petitions were offered. Now, the thing about the offers of proof, and so forth, is this, while I think the Circuit Court intended clearly that the employees have a right to testify what influenced them or why they formed this organization, I don't think that means that that should become the primary factor here, and not to the exclusion of the question, did the respondent have anything to do with them. That, after all, is still the principal and main matter, as far as the issues are concerned.

Now, unless the offer covers it, I don't believe that we should go beyond the offers as far as these employees are concerned, and if I were to accept your interpretation, Mr. Lane, then there would be no limit upon it, it would be all inclusive, and I don't believe that is what the Court intended.

Mr. Ingraham: I think that the offers are broad enough to include this testimony. The offers cover the situation as to whether or not the employees joined the union of their own free will.

Trial Examiner Batten: Yes, but here is a matter, there was not even any union in existence at this time, and it was not until months after that the union was organized. Now, on that theory, Mr. Ingraham, you might go back an indefinite period of time and say that there was some-

[fol. 4732] thing which occurred in 1935 or 1930 or 1925, they may have had a strike in 1920 in Kansas City, Missouri, and there was some violence, and therefore they acquire a distaste for unions, so when 1937 came along they still remembered that, and they then decided in 1937 for that reason they didn't want anything to do with the union unless it was their own.

I mean, in other words, where would you suggest that the line be drawn, if it be drawn at all?

Mr. Ingraham: Well, I suggest that the line be drawn to those matters that occurred within a reasonable matter of time before the Union was organized, and not go back to any remote matters.

Trial Examiner Batten: Well, what would you say is reasonable?

Mr. Ingraham: Well, I would say certainly within, say, six months, but the Board went clear back to the N. R. A. days, to matters that occurred in 1934 and 1935.

Trial Examiner Batten: That's right.

Mr. Ingraham: And now, to shut us up and say that the matters that the International did within three or four months prior to the time the Union was organized have no bearing on the case is—

Trial Examiner Batten: (Interrupting) Well, we aren't-trying out the N. R. A. case again, we are here for the purpose of taking certain testimony which I rejected. Now, [fol. 4733] the testimony I rejected is covered in offers of proof, and my question to you was where, in the offer of proof, is it covered?

Mr. Ingraham: I don't think the Court intended that it be limited to the offers of proof; however, if you take that view of it, I think that the general purport of the offers of proof would cover this testimony.

The offers of proof go into the factors that entered into the employees doing certain things, and certainly if this witness testifies that she knew of strikes that had occurred in garment plants, and the strikes were instigated by the International, and that there was violence and she knew when they said there was a strike it meant there was going to be violence—

Trial Examiner Batten: (Interrupting) What about this article? Where does this article say anything about violence or a strike? That is a controversy between Senator Reed and someone else in a political campaign.

Mr. Reed: Oh, no, that is not the purport of that.

Mr. Ingraham: Mr. Perlstein testified-

Trial Examiner Batten: (Interrupting) Now, irrespective of that, my question to you is how does this article say anything about a strike or violence?

Mr. Ingraham: Well, I am going to ask the witness, that is my purpose, if she had known of strikes where the fol. 47341 Union was attempting to unionize other garment plants in Kansas City, did the Union engage in strikes, was there violence, did she understand when the International said they were going to unionize the Donnelly plant that they meant there would be a strike. Mr. Perlstein, within 30 or 60 days, issued a statement in the press, and said they were going to have a strike, they were starting their campaign against the Donnelly Company, that they would call a strike as soon as they had enough members, that that was their program; there wasn't any question about that.

Trial Examiner Batten: Let me ask you this. You say 6 months is a reasonable period. Do you think it is, Mr. Lane?

Mr. the: Our position is we objected to going into any matter which precedes the Wagner Act. The Board overruled us on that, the Board said that as a background the events might show what took place prior.

[fol. 4735] Mr. Lane: We offered to show there was no pressure, control, domination, or intimidation on the part of the company.

Trial Examiner, Batten: Going back to when?

Mr. Lane: At the time we formed our Union. If the Board is going to show that was created in 1934, we have a right to show why the Board was wrong, and to show that the employees were not under the intimidation, pressure, control, or domination of the company.

Trial Examiner Batten: Is that in the offer of proof?
If it is will you show it to me?

Mr. Lane: We offer to show there was no action of pressure, domination, intimidation, or control on the part of the company.

Trial Examiner Batten: Just a moment. Do you consider going back to 1934 is not too remote?

Mr. Lane: We are on the defensive here, we are required to meet the case which the Bo. d presents.

Trial Examiner Batten: You are not here on the defensive, you are here to present certain testimony which the Court said I should receive; that is the purpose of this hearing.

[fol. 4736] Mr. Lane: I mean in the entire case. .

Trial Evaminer Batten: That is what I want to receive. I want to receive everything which the Court, in its opinion, thought we should receive. Now, I am still asking you where, in the offer of proof, it refers to any such time as 1934 or 1935.

Mr. Lane: Well, let me read this from the offer of proof, which has no limitation as to time.

Mr. Langsdale: What page and what offer of proof?

Mr. Lane: It is in Board's Exhibit No. 1, quadruple R, being the intervener's offer of proof—and I'll have to look at the record to get the Circuit Court of Appeals page.

Mr. Langsdale: I would like to know what page in that offer of proof, which is before me.

Mr. Lane: The third page.

Miss Weyand: It is 3473, I think, in the Circuit Court of Appeals record.

Mr. Lane: That is correct, page 3473: "The undersigned state they are members of the Donnelly Garment Workers' Union, and that they joined said Union and have at all times since remained members thereof solely of their own [fol. 4737] free will, choice and preference, and that they have not been influenced by any threats, coercion or pressure of their employer, or any representative of the employer, and that they have no knowledge of any instance in which the employer or any representatives of the employer have exerted pressure, intimidation, coercion or any other influence upon the undersigned or any other employees to join the Donnelly Garment Workers' Union or to stay out of any other labor union."

Trial Examiner Batten: Now, is this young lady's name on that offer?

Mr. Lane: Yes, it is.

Mr. Langsdale: How does that cover a strike in 1935, or 1936?

Mr. Lane: I haven't finished with my statement. Under the issues which the Board claims were made in this case, the Board has claimed the right to bring forward the testimony as to the company's attitude or conduct back in the N. R. A. days, and they put in a substantial portion of that record for the purpose of showing that the company had been creating an atmosphere of domination.

Trial Examiner Batten: Yes, and Mr. Lane, under the stipulation you also had a right to put in any of that you wanted, and so did the respondent, and I believe you did put in—at least the respondent did—the part of that regord which it considered material, so you are not foreclosed on that

[fel. 4738] Mr. Lane: But, if we are denied the right to have the employees testify in face of the showing the Board made that prior to 1936 they were dominated, controlled, intimidated in their attitude toward the I. L. G. W. U., then we are foreclosed giving evidence meeting the evidence the Board gave. In that kind of testimony we are endeavoring to meet the evidence which the Board has made here, and which the Examiner has permitted the Board to make.

We have a right to show that it was not true.

Trial Examiner Batten: What do you mean, that I permitted the Board to make?

Mr. Lane: I mean you admitted the testimony with regard to the N. R. A. over our objection.

Trial Examiner Batten: Just a moment, Mr. Lane. I don't think the record will bear you out that it was over your objection. When I make this statement about the other hearing, it is purely from remembrance, but my recollection is on that that the respondent and the intervener and the Board—and I think the Union—all stipulated that they could put into the record any of the parts of some of these other hearings which they desired to put in.

Mr. Lane: No, we, at all times, as I recall, objected to anything preceding the enactment of the Wagner Act. We were overruled on that. Now, without waiving that objectol. 4739] tion, I think we did stipulate that so far as putting the matter into testimony was concerned, the former records could be used, but we did not waive our objection to the admissibility of that evidence at all, and that is still my position. It is here, and we've got to meet it, and that is one of the methods by which we proceed to meet it.

[fol. 4740] Trial Examiner Baften: Miss Wayand?

Miss Weyand: My position is that the evidence sought, to be adduced from this witness as to the violence or the strikes of which she had knowledge prior to the Gernes, Gordon, and Missouri plant strikes is not within the terms of the offer and, therefore, not within the terms of the remand.

I do think, under the terms of the offer and the terms of the remand, counsel for the company are entitled to have the witnesses whom they named in the offer make a general denial that at any time they were the subject of interference, restraint, or coercion, but I think, having regard for the rules of evidence and offers, counsel should have named any specific facts in the offer as to which they wish to have the witnesses specifically testify, and I think

their mention of the Gordon, Gernes, and Missouri strikes, [fol. 4741] their specificity with respect to the March 18 meeting, the meeting at the end of March or the first of April, and the April 27 meeting, and the Loyalty League being a social organization, excludes them from going into other matters.

Now, of course, as has been pointed out here, we are not concerned with whether a girl was influenced or not by violence. We are concerned only with whether they were influenced by what the company did. The fact that the girl may have heard of violence at remote times is not within the terms of the offer of proof and not within the issues of this case.

For that reason I do not think the question propounded to the witness is a proper question under the offer.

Trial Examiner Batten: Senator?

Mr. Reed: Now, I beg to be allowed to state my position, if possible, without interruption until I get through.

The Board found (and I read from its finding), under subheading III, "The Unfair Labor Practices:

"A. Events prior to the effective date of the Act.

"The I. L. G. W. U. made its initial efforts to organize employees of the respondent in 1934 when it established a regional office in Kansas City, Missouri, on March 15, 1934, an open meeting of the I. L. G. W. U. was held in. Musicians! Hall in Kansas City, to which all employers of the respondent were invited. Few of the operators' (i.e., [fol. 4742] production employees paid at piecework rates) attended, but a number of the respondent's officials, supervisors, and instructors were present. Soon after, several of the respondent's employees, including Glynn Brooks' Yarnell, who had been an operator in the respondent's plant since December, 1924, made application for membership in the I. L. G. W. U. In June, 1934, Mrs. Yarnell held a dinner at her home attended by 12 or 13 of her fellow employees. At this meeting the girls discussed the advisability of joining the I. L. G. W. U. and of forming a local branch. Glynn Brooks Yarnell was discharged in July, 1934. Within a few months all except one of the girls who had attended the dinner were either laid off or discharged by the respondent.

"On December 6, 1934, the I. L. G. W. U. filed a charge against the respondent under Section 7 (a) of the National Industrial Recovery Act, alleging that 8 operators had been laid off because they had joined the I. L. G. W. G. Before proceedings were completed and a decision issued the National Industrial Recovery Act was declared unconstitutional by the Supreme Court of the United States.

"The record establishes that the respondent, through its supervisory employees, openly and actively resisted the initial organizational contents of the I. L. G. W. U. In 1934 Mrs. Elizabeth Record who was then production manager, had expressed the opposition of the respondent to the I. L. G. W. U. She made a practice of questioning [føl. 4743] employees concerning their relations with the I. L. G. W. U. She criticized several operators for joining or applying for membership in the I. L. G. W. U. She told various employees that they had been 'listening too much to somebody outside,' that 'Donnelly's don't belong to the union (I. L. G. W. U.) and they never will,' that she had thought they 'had better sense' than to join the I. L. G. W. U., and that they had been misled in doing so. There is abundant testimony, also, that the respondent's instructors, who were in charge of the operators and at that time admittedly had authority to recommend layoffs and dismissals, warned the operators to 'let the International (I. L. G. W. U.) alone' if they expected to keep their jobs. In a conversation with an employee during 1934 Mrs. Allison, an instructor, labeled I. L. G. W. U. leaders 'dirty foreigners,' and Grace Gnotta, also an instructor, referred to those who had joined that organization as the 'scum' of the respondent's employees.

"The dominant and often reiterated note in the respondent's automore campaign during this period was a plea to the explayees to be loval to Mrs. Nell Donnelly Reed, president of the respondent: For example, the record reveals that Mrs. Allison, one of the instructors, forbade

a discussion of unionism in the plant, and added: 'You should have more respect for your employer than to talk unionism in here." Mrs. Martha Gray, in dirge of the respondent's outlet store, talked to Virginia Stroup, an [fol. 4744] operator in one of the sewing sections, who had joined the I. L. G. W. U., and reminded her that the firm had been good to her by continuing to employ her during the 'hard months' and that in return Mrs. Stroup owed it to the company to be fairer than to join the I. L. G. W. U. Mrs. Grav also said that she 'would hate to think that old David Dubinsky would come in here and tell Mrs. Donnelly (Reed) what to do.' The testimony of May Fike is undenied that in February, 1935, or thereabouts, while the I. L. G. W. U. drive was being pressed, employees in groups of 10 were sent by their instructors to Mrs. Reeves' office, where Mrs. Reeves talked to them about loyalty to the respondent. Also during this period employees were told that Mrs. Reed had built up the business of the respondent in order to keep them supplied with work and that an outside labor organization should not be allowed to come in to run it."

Now, there is more of the same character, dealing with conditions in 1934 and 1935. I think I had better read that.

"On or about December 12, 1934, Mrs. Reeves sent for Virginia Stroup, one of the respondent's employees who had obtained a charter for a local branch of the I. L. G. W. U. Mrs. Stroup told Mrs. Reeves that she was the shop chairman for the I. T. G. W. U. and that it was her duty to determine why employees who were members of the I. L. G. W. U. were laid off. Mrs. Reeves stated that she did not intend to give Mrs. Stroup any information [fol. 4745] and immediately instructed Mrs. Hyde, the respondent's employment manager who was present at the interview, not to release any such information, for 'that is none of Virginia's business.'

"A short time later, when Mrs. Stroup attempted to negotiate with the respondent in regard to a grievance of Pauline Lutz, an employee who was a member of the I. I. G. W. U., the respondent unequivocally refused to deal with Mrs. Stroup. At the conference Mrs. Reeves

criticized Mrs. Stroup's production work, told her that she was wasting too much time away from her machine talking to other employees, and threatened her with dismissal unless she increased her piecework production to a point where it met the minimum wage rate set by the N. R. A. code in effect at that time. The respondent stood firm on its position not to deal with the I. L. G. W. U. and Mrs. Stroup was entirely unsuccessful in adjusting the grievance of Pauline Lutz or of any other of the respondent's employees who were members of the I. L. G. W. U.

"A few weeks later the Kansas City office of the I. L. G. W. U. attempted to open negotiations with the respondent. On January 25, 1935, Meyer Perlstein, regional director of the I. L. G. W. U., and Virginia Stroup joined in addressing a letter to the respondent, stating that the I. L. G. W. U. had granted a charter to a group of the respondent's workers who had applied therefor. The letter asserted that these employees, since joining the I. L. [fol. 4746) G. W. U., had suffered discrimination and had been threatened with discharge unless they should abandon their union affiliation.

"In conclusion, the respondent was requested to grant the L. G. W. U. an opportunity to present the views of labor and to adjust peaceably employer-employee differences. The record does not indicate whether or not the respondent made any reply to this letter.

"Within a week or two after the receipt of the I. L. G. W. U.'s letter, the respondent, acting through certain of its supervisory employees, commenced the formation of an organization among its employees to be known as the 'Nelly Don Lovalty League.' Mrs. Martha Gray, in charge of the respondent's outlet store, and Mrs. Strickland, an employee in the pattern-making department, took the lead in forming the League. On February 5, 1935, plans were laid at a meeting at the home of Mrs. Gray, which was attended by approximately 46 employees representing the various divisions of the respondent's factory. Memberships for the League were solicited in the plant during working hours by circulation among the employees of membership pledge cards and a statement which declared that the employees recognized the generous treatment

received from Mrs. Reed, the respondent's president, and would resist the efforte of outside labor organizations to regotiate with the respondent on their behalf.

[fol. 4747] "In contrast to the hostility with which it met the advent of the I. L. G. W. U. in the plant, the respondent not only interposed no obstacles to the organization of the Loyalty League, but also by affirmative assistance facilitated its progress. In some sections of the plant the instructors in charge of the sections assisted with the circulation of these documents and told the employees to sign them. In other areas of the factory Mrs. Grav, accompanied by Mrs. Strickland, distributed the League membership cards. Virginia Stroup, who at that time was president of the local branch of the I. L. G. W. U., was told by Mrs. Strickland, in the presence of Mrs. Gray, whom we find hereinafter to be a supervisory employee of the respondent, that the cards should be signed by the employees in order to protect their jobs, because Mrs. Reed would close the plant before she would allow it to become a union shop. At the same time, Mrs. Stroup was refused a membership card because she belonged to 'another organization.'

"Virtually all of the respondent's supervisors, except Mrs. James A. Reed, president and principal owner, Lee Baty, production superintendent, and perhaps Mrs. Anna, Wherry, factory manager, were members of the League. Mrs. Reeves, production manager at that time, Dewey Atchison, her assistant, and Mrs. Ella Mae Hyde, employment manager, were among the supervisory officials who testified that they were members of the League. The mem-[fol. 4748] bership included all instructors and other department heads in the plant. Its first two presidents were supervisory employees of the respondent. Herbert Mutchler, who was no longer in the employ of the respondent at the time of the hearing in this proceeding, was the first president of the League and continued in office until early in 1937. He was succeeded by Rose Todd, who held office until after she was elected General Chairman of the D. G. W. U. in April 1937.

"The League has no constitution or bylaws and no regular meeting dates; nor do its members pay dues. Since its inception it has sponsored a number of social activities,

such as picnics and dances, but as will subsequently appear, its principal energies have been devoted to obstructing and interfering with the efforts of the I. L. G. W. U. to organize the respondent's employees.

"The events recited above convince us that prior to the effective date of the Act the respondent's supervisors expressed to employees the uncompromising hostility of the respondent toward all labor unions and particularly toward the I. L. G. W. U. Employees were made fully aware of their employer's attitude and those who applied for membership or joined the I. L. G. W. U. did so secretly. During this period it was made plain to the employees by their supervisors that loyalty to the respondent meant renunciation of unionism.

[fol. 4749] "In February 1935, when the I. L. G. W. U. requested a conference on behalf of those employees who had joined that organization, the respondent's agents immediately organized the Loyalty League for the purpose of preventing other employees from affiliating with the I. L. G. W. U. The membership and influence of management representatives in the Loyalty League enabled the respondent to foster and organize employee resistance to outside unions."

Now, that carries h, and the Board finds against the company, and finds it against our objection.

There was the question raised as to whether we consented to this. Here is the answer:

"The respondent contends that since the above-related activities took place prior to July 5, 1935, the effective date of the Act, they are entirely irrelevant to the issues in this proceeding and that all evidence thereof should have been excluded. This contention failed to recognize that the Loyalty League continued in existence after the effective date of the Act, and was a useful instrument in the formation of the D. G. W. U., hereinafter discussed. Furthermore, evidence of an employer's attitude and conduct with respect to labor unions for a reasonable period before the effective date of the Act has often been admitted in evidence for the purpose of evaluating the significance of events occurring after such date.

[fol. 4750] "Having been inspired by the respondent and wholly supported by its officials from its inception, we conclude and find that the League was dominated and controlled by the respondent and that prior to the effective date of the Act the respondent used it to prevent its employees from joining the I. L. G. W. U. or any other outside labor organization."

Now, I have taken the time to read that because it is a complete demonstration of one of the major findings in this case. In fact, the major finding is built upon and attempted to be supported by these findings which I have read, all of [the] relating back to the Loyalty League and carrying the activities of the Loyalty League clear down to the time of the organization of the plant union.

Now, I contend that no limitation is placed upon our right to meet those charges. The narrow construction which is sought to be given to the opinion of the court I think is entirely unwarranted.

"What the company in the hearing before the Examiner attempted to show by its evidence was that it had not done the things that the Board charged it with doing; that it had recognized, and had accorded to its h employees, the rights, guaranteed them by law, freely to. organize and to choose representatives for collective bargaining; that the Donnelly Loyalty League was purely a. social organization; that the organization of the Donnelly -Garment Workers' Union was not an outgrowth of the . [fol. 4751] Loyalty League; that the union was an independent labor organization formed by the employees themselves without any suggestion, interference, or assistance from the company; that the speech made by the president of the company to a mass meeting of the employees, shortly before this organization was formed; amounted, in substance, to nothing more than a statement that the company would never compel it's employees to join the Internationalis or to join any other labor organization against their will: that the employees formed the Donnelly Garment Workers' Union for their own protection in the face of threats by the International to use forceful and unlawful means to compel them to join the International and to compel the company to force them to join that union; that the company recognized the Donnelly Garment Workers' Union as the exclusive representative of its employees for purposes of collective bargaining and entered into agreements with it on their behalf, not for the purpose of discouraging their joining the International, but because the Donnelly Garment Workers' Union represented all of the company's employees and the company was required by law to recognize that union and to deal with it as the exclusive representative of the employees of the company.

"The petitioner Donnelly Garment Workers Union, in the hearing before the Examiner, attempted to prove that it was an independent labor organization of all the emffol. 4751al plovees of the Donnelly Company; that the union was organized by and for such employees and was under their exclusive domination and control, and that it at all times had been free from employer domination, interference and support; that the employees believed and had reasonable grounds to believe that the International was resorting to force, violence and threats to compel other employees in other garment plants in Kansas City. to join the International and to force their employers to compel them to join it, and was about to attempt to force the employees of the Donnelly Company by the same methods to join the International, and that one of the motives which prompted them to form the Donnelly Garment Workers' Union was self-protection."

Now, I say this, that to say the Board has the right to go back to 1934 and 1935 and to all of the events that happened after that, and to say that we will not be permitted to show that one of the motives or reasons for any employees—I am not limiting myself to those named in the offer of proof—any forcing of any employee or threat to any employee, or threat to the employees generally—that that is in this case, it seems to be absolutely absurd, and to say that the Board can go back for 4 or 5 years and bring in against this present union, the facts or the alleged facts here in this report, then we cannot show that there was a reason why these people wanted to organize to protect themselves.

Now, among other things— We trace this down and it is [fol. 4752] all one connected story. Among other things,

Mr. Dubinsky and his associates start in on the proposition to "get the Donnelly Company." It is in evidence that their preliminary step was to get the smaller companies. It is in evidence, or will be, if we are allowed to rut it in, that there was violence there, that that was the method they employed, that this young lady and other employees down there expected that violence to be visited upon them, that the threat was actually made that it would be visited upon them, and, therefore, when Mr. Dubinsky comes out and gives this interview, it isn't a political interview at all; it showed his resentment and showed his malice, and showed that his motives were not honest motives, when he said he was "coming out here to give Jim Reed a break," because in the campaign I had criticized his being made a Democratic elector.

I say we are entitled to put this evidence in. We are not limited—There is no rule that limits anybody to the particular witnesses he says he is going to prove a thing by, and the Circuit Court of Appeals' opinion cappot be justly construed to place a limitation of that kind. The fact of the matter is, the last paragraph in this decision clearly shows that it had no such intent.

"We think that the least the Board canodo"—the least it can do, in order to cure the defects of its procedure caused by the failure of the Trial Examiner to receive [fol. 4753] admissible evidence—not the evidence of particular individuals but admissible evidence, "is to vacate the order and findings and conclusions upon which it is based, and to accord to the petitioner an opportunity to introduce all of the competent and material evidence which was rejected by the Trial Examiner." That is not the evidence of a particular witness. We have named people we could prove our case by. They didn't limit us to those particular witnesses.

The point is: Was the evidence competent? Not, Will this particular witness testify a certain way? but, Was that character and kind of evidence competent? And I say we have the right to go into it, and I protest any ruling to the contrary.

Now, I am much obliged to the Examiner for his patience.

Trial Examiner Batten; Senator, I just want to say this, that I don't think the issue that is before me now is whether or not all of the testimony should be taken. I think under the ruling I made that I was first going to take the testimony of the employees, in accordance with the offers of proof—Now, that is the question now before me.

Secondly, there is no finding of the Board's. The Board's decision and order has been set aside, so it is not in existence and we cannot operate on the basis that there is any such document before us.

Now, third, Senator, if I recall correctly, in your news [fol. 4754] article, you, yourself, agreed to some extent with the Board, that the Loyalty League was organized for the purpose of compatting the International Ladies' Garment Workers' Union. Now, you stated that to the newspaper yourself.

Mr. Reed: Suppose I did.

Trial Examiner Batten: I am simply stating that if you believe it, Senator, the Board couldn't have gone greatly wrong on it.

[fol. 4755] Mr. Reed: Will you pardon me at that point? .

We are now running into the vice, I think, of— I don't say that disrespectfully of the ruling. You say at the present time we are going to hear only from the witnesses who were named and that you are going to confine the issues to the one question of offers of proof.

Trial Examiner Batten: That is right.

Mr. Reed: But hereafter you will leave it open.

Trial Examiner Batten: I am not ruling upon that matter.

Mr. Reed: So, when we undertake to present our ease we are handicapped by a ruling which limits our right to put in evidence on only one phase of the case, when the same witness that we have here could testify as to the other phases, if you hereafter admit them.

Now, we ought to know what is coming into this case, Mr. Examiner. We ought to know now.

Trial Examiner Batten: Senator, I would like to know, myself. If I knew, I could make a ruling, but I don't know, so I can't rule.

Mr. Reed; So we all proceed in the dark.

Trial Examiner Batten. We certainly do.

Mr. Reed: Very well, then. I object to that procedure.

Trial Examine Batten: Except in accordance with the ruling I have made that we are first going to take the testimony which I rejected in the offers of proof. That is [fol. 4756] the order of proof and we are going to follow that.

"I think I agree with Mr. Ingraham, that six months prior is a reasonable time.

Mr. Langsdale: Prior to what?

Trial Examiner Batten: Prior to the organization of the Donnelly Garment Workers' Urion. And this comes within that. I see no objection to that. Mr. Ingraham stated he thought six months was a reasonable time, and I am inclined to agree with him, and for that reason I am willing that we proceed with this witness.

Mr. Langsdale: Now, let me say something about what we started out to argue. I didn't object to the offer of this newspaper article at all. The question I objected to was the one propounded to the witness, Did she know of strikes in 1935 and 1936? I objected to that kind of testimony because it is not covered by the offers of proof.

Trial Examiner Batten: My ruling just now— I said that I agree with Mr. Ingraham, that six months is a reasonable time, which means I have no objection to covering a period of six months prior to the organization of the Union, under these offers of proof.

Mr. Langsdale: Now, I want just two minutes to reply to some of these arguments that have been made.

The Senator spent much time reading and referring to what was known as history. Non admitted in the last

[fol. 457] hearing certain testimony with reference to the old N. R. A. hearing and history under the limitation that you made at that time. We all complied with it. The Union and the Board offered testimony from the old N. R. A. hearing, and so did the respondent and the intervener. Then, they offered testimony from the Miller hearing; and so did all of the parties.

Now, they objected to going back to 1934 and the N. R. A. hearing, and you overruled the objection and admitted some of it, with limitations.

They presented that objection to the Circuit Court of Appeals, and the Circuit Court of Appeals did not criticize your procedure in that respect.

They offered certain other testimony, about strikes and newspaper articles, which you refused to receive, and you asked them to preserve their offer in a written offer of proof, which they did. They took those offers of proof to the Circuit Court of Appeals, and the Circuit Court of Appeals said you erroneously refused to admit that character of proof, and all the Circuit Court of Appeals remanded this case for was to take the testimony you had rejected.

You were careful enough to have them write it out in offers of proof, the testimony you rejected. Then the Circuit Court of Appeals carefully examined those offers of proof and said you should receive that testimony, because it was material.

[fol, 4758]. Now, that is all we are here for. It doesn't cover anything else.

"If we go back to 1935— We all had that opportunity. The Court didn't remand this case to go back to strikes of 1935 and 1936, because the offers of proof said the strikes at Gordon, Gernes, and Missouri plants were in 1937, and the Court of Appeals said that was material.

Now, they want to go back to 1935 and 1936. I would be happy if the order covered that, but it doesn't. They had their chance, and we had our chance, and the Circuit Court of Appeals said nothing against that procedure that was devised by this Examiner. The order said that the testimony offered, as shown in the offers of proof, was competent and material, and sent it back for that testimony to be taken.

Now, as to this witness not being on the offer of proof—No witness has been presented who is not on the offer of proof. When that is done. I think we will all have something to say about it are something to say about it are subject matter and not the named witness that would control that.

Tric' xaminer Batten: Mr. Ingraham?

Mr. Ingraham: I didn't understand Your Honor's remarks about limiting this to six months. Does that mean that all matters that occurred prior to six months before the plant Union was organized are immaterial?

[fol. 4759] Trial Examiner Batten: I haven't ruled on any of those matters, Mr. Ingraham, and do not intend to at this time: I simply said I thought, in accordance with your statement, the offers of proof, I believe, would cover the situation as it existed on or about April 27 and March 18.

We have already gone back to February in connection with those offers of proof. I hink your statement that six months is reasonable, as far as these strikes, and so forth, are concerned—I think that is reasonable, and I think they come within the offer of proof.

Mr. Ingraham: Evidently I didn't make myself clear. I think that all matters that occurred prior to si, months before the plant—

Trial Examiner Batten: I am not talking about that. I am talking about the offer of proof.

Mr. Ingraham: But I wouldn't say six months is a proper limitation, if there is any other evidence in this case that goes back beyond six months. If we are going to go back into other matters, certainly I am not saying it is fair to just go back a period of six months in connection with these offers of proof.

Trial Examiner Batten: But you said "a reasonable time," and I asked you, "What do you consider a reasonable time!" and you said, "six months."

[fol. 4760] Mr. Ingraham: Let me explain. I meant a six-months period would be a reasonable time, and matters back of that, in my opinion, are remote to proving or disproving any issue in this case.

But if you are just going to make the limitation of six months to this particular testimony, in connection with the offers of proof, certainly I do not think that that is a fair ruling. If you are going to go back, in some other evidence, clear to 1934 and 1935, certainly then we should be permitted to go back in connection with the offers of proof.

Trial Examiner Batten: We are not talking about other matters now, Mr. Ingraham.

Mr. Ingraham: Well, I was talking about the whole case.

Trial Examiner Batten: You certainly didn't indicate that to me.

Mr. Ingraham: To make it clear,-

Trial Examiner Batten: Do you still believe that, as [fol. 4761] far as the offer of proof is concerned, without reference to other evidence in the case, that six months is a reasonable time?

Mr. Ingraham: Oh, absolutely not. If the other evidence in this case goes back into the N. R. A. matters, back to 1934 and 1935, certainly I think it is proper to go into those matters in connection with these offers of proof.

Trial Examiner Batten: What do you mean, "if"?

Mr. Ingraham: Well, you say in one breath—that is why I don't understand your ruling—that you agree that is months is fair in connection with the offers of proof, and—

Trial Examiner Batten: No. 1 said I was inclined to agree with you.

Mr. Ingraham: Yes.

Trial Examiner Batten: But, of course, now that you have changed your mind, Mr. Ingraham—

Mr. Ingraham: I have not changed my mind. I never intended that my remarks would mean that just this particular character of testimony was to be limited to six months. I meant the entire case.

Trial Examiner Battes: We were not talking about the entire case.

Mr. Ingraham: That is what I meant:

Trial Examiner Batten: Just a moment, Mr. Ingraham. We were talking about strikes, violence, and offers of [fol. 4762] proof. There is no other question before me now, except whether it comes within the offer of proof—the question of strikes, violence, acts of the International Ladies' Garment Workers' Union, with respect to these employees, and the effect it had upon their mind. That is the only issue before me. There is nothing else before me and hasn't been. In all of this time we have spent, that is the only point that is before me.

Mr. Ingraham: You probably didn't recall what I said. In referring to this character of testimony and going back to the strikes, I stated that the Board went back to evidence of things that occurred during the N. R. A.

Trial Examiner Batten: Just a moment. You mean, this morning?

Mr. Ingraham: This morning; yes, indeed.

Trial Examiner Batten: Now, we are going to recess while the reporter finds that. We will recess for 15 minuites, and, Miss Reporter, will you go back to the beginning of this discussion when we talked about a reasonable period of time, and have that ready to read?

[fol. 4763] Mr. Ingraham: Not yet. What did the reporter find with respect to my remarks?

Trial Examiner Batten: Will you read that statement of Mr. Ingrahain's remarks, please?

(Thereupon the remarks of Mr. Ingraham, as requested, were read as follows:

Well, I would say certainly within six months, but the Board went clear back to N. R. A. days, to matters that occurred in 1934 and 1935.")

Trial Examiner Batten: Well, it is very obvious I was mistaken, in your remarks, Mr. Ingraham.

Mr. Ingraham: Well, I felt that I did make a statement like that., It was my recollection on it.

Trial Examiner Batten: I think we are ready to proceed, and I think the offers of proof contemplate the period in or about March 18, 1937, and as to any strikes or matters of that kind which occurred during that period, and I think it is reasonable to go back to — I think the offers contemplated at least a period, I would say, from November on, and any things prior to that I will now rule aren't covered by the offers of proof, and therefore [fol. 4764] shouldn't be presented at this time, in line with my ruling directing the order of proof.

Mr. Lane: Do I understand the Examiner includes the intervener's offer of proof in that ruling?

Trial Examiner Batten: That's right, all offers of proof which the Court referred to in its Circuit Court decision.

Mr. Lane: I think I have made my position plain here, that I by no means agree with anything that Mr. Langsdale said about the Circuit Court's opinion.

Trial Examiner Batten: Just a moment, Mr. Lane. I have made my ruling and I don't want to spend any more time on it. I think everybody has had his say, and of course if the ruling is adverse; you have your exception, Mr. Lane, and I don't believe that I want to spend any more time on it.

Mr. Lane: All I was going to say was in connection with another matter.

Trial Examiner Batten: Well, is there any other matter before us, Mr. Lane? If so —

Mr. Lane: I haven't stated my view with respect to the Circuit Court's opinions. I want the record to show that in the intervener's opinion the Circuit Court of Appeals in the remand intended to limit the matters set out in the offers of proof either by vitnesses who could testify on those matters or —

[fol. 4765] Trial Examiner Batten: (Interrupting) I think that is clear, Mr. Lane, and I am not ruling upon any matter at this time, except the offers of proof, and that is my ruling.

By Mr. Ingraham:

Q. Did you testify that you had read Respondent's Exhibit 42, that appeared in the Kansas City Times, November 10, 1936?

A. Yes, I said I read that.

Mr. Ingraham: Respondent offers in evidence exhibit No. 42.

Trial Examiner Batten: If there is no objection it will be received.

By Mr. Ingraham:

Q. Now, when you read in this article that the International Union was going to open a drive in Kansas City, what effect, if any, did that have on you?

A. I read the article, but, of course, I gave it a lot of thought, but I didn't get so excited about it, because I didn't feel they could have organized us.

[fol. 4766] By Mr. Ingraham:

Q. Will you state what you thought the article meant when it said the union would open a drive?

A. The article did state that they had quite a sum of money behind them to organize us, and I understood they were going to open offices and attempt to do that very thing.

By Mr Ingraham:

Q. Do what very thing?

A. To try to organize us. I don't know whether I felt that they would start with violence or not, but I felt they

were contemplating calling on members of the Garment Company workers.

Q. Now, was this article discussed, to your knowledge,

among the other employees at the plant?

A. Yes, I believe it was discussed among the girls.

Q. Did you observe the effect it had upon the other girls?

A. They seemed to feel that they would never be organized by that union, that they had no interest in it whatever.

Q. Do you recall reading an article on or about April 22, 1937, which appeared in the Kansas City Journal Post, and the article was entitled, "Donnelly Worker will be [fol. 4767] sent to Union Convention." I hand you respondent's exhibit 35 and ask you if you read that article.

A. Yes, I read that.

By Mr. Ingraham:

Q. What effect did that article have upon you?

A. I was very much surprised because we had never authorized anyone to represent us at any convention or in

any organization.

- Q. Do you recall reading in the article that, "Perlstein said the Donnelly Committee desired one of their members to appear at the convention, and asked the International to endorse and support a sirke against their employer." Do you remember reading that?
 - A. I read that.

Q. What effect, if any, did that statement have on you?

A. I didn't understand her attitude at all, because we had never authorized anyone, we didn't have any group to represent us, and we had never authorized anyone to [fol. 4768] represent us.

Mr. Langsdale: I object to that answer and ask it be stricken out as not responsive to the question or the article, because the article does not say the Donnelly workers has authorized any committee or Sylvia, Hull to represent them; it implies she was going there to represent the employees of the I. L. G. W. U.

Trial Examiner Batten: Will you read the question, please, and the answer?

(Thereupon the last question and answer were read by the reporter.)

Trial Examiner Batten: Do you think that is responsive?

Mr. Ingraham: No. I wish the question would be read again.

(Thereupon the last question was read by the reporter.)

By Mr. Ingraham:

Q. To make it clear, I am referring to that particular statement that referred to a strike.

A. We all knew we didn't want a strike.

Trial Examiner Batten: No; what effect did that have upon you, Mrs. Barnes, when you read that article?

A. Well, I didn't understand why any group, as they call themselves, the Donnelly Committee, how they could go and vote for a strike in our plant, I didn't understand how [fol. 4769] they could do that, they had no authority to do it.

By Mr. Ingraham:

Q. Will you state whether or not that article caused you to be apprehensive?

A. Well, the strikes that I knew about were not by the employees themselves exactly, at these other places, and I suppose if they wanted to call a strike it would be the I. E. G. W. U. called it and hired their own strikers like they had before.

[fol. 4770] By Mr. Ingraham:

Q. Did this article have anything to do with you voting in favor of organizing the Donnelly Garment Workers' Union?

A. Yes, it did. They had trouble down there and we didn't want any trouble.

Q. Do you know Rose Todd?

A. /Yes.

Q. Did you consider Rose Todd a boss at the plant?

A. No.

Q. Do you know what Rose Todd did, what work she did?

A. She was a matcher of notions, and helped get the work-through by seeing that the notions were at the place

they should be for the certain type of work.

Q. Now, did the fact that Rose Todd took an active part in the meeting of March 18 and the meeting the latter part of March and the meeting of April 27, cause you to believe that the company wanted the employees to form the Donnelly Garment Workers' Union?

A. No, she was not a representative of the company.

[fol. 4771] By Mr. Ingraham:

Q. Now, will you state whether or not after Mr. Baty took over the plant in July 1935 and up until July 1939, whether or not the instructors had any authority to hire, discipling or discharge operators?

A. No, not to my knowledge. I wasn't hired by an

instructor and I never expected to be.

Q. Did you ever consider your instructor your boss?

A. No, I haven't. She gives out our work and shows us how to do it.

Q. Were you working at the plant when Mr. Baty took over the job of production manager?

[fol. 4772] A. Yes.

Q. Well, after he took over that job whom did you understand was in authority?

A. Mr. Baty.

Q. And were grievances taken up directly with Mr. Baty?

A. Yes, they were. The girls could go to him at any time if they had any differences to settle.

Q. Was Mr. Baty present practically all of the time in the factory?

A. Yes, he was. I think he continually went through the factory.

Q. What floor did you work on in April, 1937!

A. On the eighth floor.

Q. Do you recall any demonstration on or about April 23, which was the morning after the article appeared in the paper about Sylvia Hull?

A. Yes.

Q. What section did you work in?

A. I worked in 414, and I believe Sylvia worked in 412.

Q. Will you tell what you saw in connection with the

demonstration, or whatever you want to call it?

A. Well, I saw girls go over to her and stand around, and I didn't hear what they said, but I think she was humiliated to think the girls were so shocked about what she had done.

Mg. Langsdale: I ask that the last part of the answer [fol. 4773] be stricken out as a conclusion of this witness. She has no possible capacity to give that conclusion.

Trial Examiner Batten: I think obviously she was not there and didn't hear what was said.

By Trial Examiner Batten:

Q. What basis do you have to say that she was humiliated? Did you see her?

A. Yes, I saw her.

Q. How close were you to her?

A. I was in the next section.

Q. Well, how far is that?

A. Well, there was just one row of machines between us.

Q. Was a crowd of girls around there!

A. Well, at various times there would be several girls standing there talking to her.

Q. Well, could you see her?

A. Yes.

Q. You say you think she was humiliated. What did

you mean by that?

A. Well, I went over there myself once, but I didn't say anything to her, and she seemed to be ashamed, I don't know, she wouldn't talk.

Q. You are speaking about the time you went over

there, that she appeared that way, is that it?

A. Yes.

Trial Examiner Batten: We will let it stand.

fol. 4774 By Mr. Ingraham:

Q. Did you hear anybody threaten Sylvia Hall in any way? A. No, I didn't hear any threats.

Q. Did you hear anybody say, "Let's throw her out the window?" A. No, I didn't hear that.

Q. Did you hear anybody say, "Let's tear her clothes

off?" A. No.

Q. Was the power turned on in your section? .

A. The power was on.

Q. Did Sylvia remain at her machine, or did she leave after while?

A. Oh, I don't know how long she stayed. I know that she left, some of the girls said she had left, but I didn't see her when she left.

Q. When you were near Sylvia did you hear anything

that she said any time?

A. No, I don't think she said anything. I was over there only a few minutes, and I didn't hear her say anything.

Q. (By Mr. Ingraham): Do you recall anything said by any employees with regard to Sylvia continuing work at the plant?

[fol. 4775] A. I don't recall what they said about it. I know they were excited. Some of the girls around me went over there, and I went along with them, but I'don't remember what was said.

Cross-Examination.

- Q. (By Mr. Lane): I will hand you Board's Exhibit No. I quadruple R, appearing in Circuit Court of Appeals record at page 3471, which is intervener's offer of proof, and ask you to read the text of that offer.
- Q. (By Mr. Lane): Now, I direct your attention to the third page of signatures attached to that offer, which is page 3476 of the Circuit Court of Appeals record, and ask you to state if the signature in the 11th line on the [fol. 4776] right-hand column is your signature?

A. That's right, it is.

Q. Did you sign that offer of proof in 1939, when this other hearing was going on 2 A/A believe I did.

By Mr. Lane:

Q. Did you read that over before you signed it?"

A. Yes.

Q. Did you sign it of your own free will?

A. Yes, F did.

By Mr. Lane: ,

Q. Did you attend the meeting of March 18, 19371

A. Yes, I did.

Q. State whether or not that meeting, so far as you know, was called by the employees on their own initiative. [fol. 4777] A. As far as I know, it was.

Q. Do you know of any action, influence or suggestion of the employer or of any representative of the employer

in connection with the calling of that meeting?

A. I don't know of any.

Q. Did you hear Mrs. Reed speak at that meeting?

A. Yes, I did.

Q. I will ask you to state whether or not she said to the employees that she would not allow members of the I. L. G. W. U. to work in the Donnelly Company.

Q. (By Trial Examiner Batten): Did you hear her say

that? A. No, I didn't.

Q. (By Mr. Lane): Did Mrs. Reed say at that meeting that the I. L. (W. U. would never be allowed in her plant? A. No, she didn't.

[fol. 4778] By Mr. Lane:

Q: Did Mrs. Reed say at that meeting she wanted the names of anybody who joined the I. L. (P. W. U. reported to her? A. I didn't hear her say it.

Q. I believe you said on direct examination that you personally didn't see, any commotion or violence or disorders in connection with the strikes at the Gernes, Gordon and Missouri plants? A. No, I didn't see it.

Q. Were those matters the subject of general conver-

sation about the Donnelly plant?

A. Around the plant?

Q. Yes. A. Yes.

Q. Did you engage in any of those conversations among the girls?

A. Yes, I did. We discussed the newspaper clippings

and also about what the other girls had seen.

Q. Was it commonly reported around the plant that actual violence had been committed in connection with those strikes? A. Yes.

[fol. 4779] Q. Was there any conversation or discussion among the employees as to whether threats had been made that the Donnelly plant was the next on the list of the I. L. G. W. U.? A. That was my understanding.

Q. What was the effect of that conversation around the plant, and those discussions, upon your state of mind?

A. The effect on my state of mind?

Q. Yes. ...

A. Well, I think I was guilty of being as excited as anyone else over those things that were going on out there.

Q. Did you personally Year those things were going to

happen to you?.

A. Yes, I did. They were bigger than I am and I was afraid.

Q. (By Mr. Lane): Did you attend the meeting of March 18—I believe you said you did. State whether or not there was any discussion at that meeting about employing counsel?

A. Yes, I think that was the main object, it was to me the main object of the meeting, to see what we could do to protect ourselves, and naturally we would have to

have legal counsel to find that out.

[fol. 4780] Trial Examiner Batten: That is with reference to March 18, Mr. Lane?

Mr. Lane: Yes.

By Mr Lane:

Q. State what, if any, connection the discussion and conversations around the plant and your belief with respect to the I. L. G. W. U. and its conduct of these strikes had in connection with your participation in the formation of the Donnelly Garment Workers' Union.

A: I believe the violence was the main factor that brought us all together and made us realize that organization was the only thing for us to do. No one down there wanted to have their clothes torn or have anyone outside to bargain for them, because everyone knew what they wanted, and they were already getting what they wanted; they dien't need to be told what they should have.

Q. Did you attend the meeting of April 27 at which the Donnelly Garment Workers' Union was organized?

Yes, I did.

Did you vote to form the Union? A. I did.

Did you cast that vote because it was your own free choice? A. I did.

Q: Did you feel at the time you cast that vote that you were under the domination or control of the company [fol. 4781] in making that decision? A. No, I didn't.

Q. . Had there been any act on the part of the company, so far you knew, that persuaded you to take that action or intimidated you into taking that action?

No. I was never persuaded to do anything.

Can you think of any act on the part of the company or any supervisor or any part of the management to cause you to take that action you took on April 27!

A. No, I don't recall anything.

Had you ever talked with Mrs. Reed, Mrs. Reeves,

or Mr. Baty about forming a union? A. No.

Had you heard anybody representing the management discuss the formation of the Union with any other employees? A. No.

Had any other employees told you they had dis-

cussed that matter with the management?

No, they hadn't.

Did you attend the meetings of the Donnelly Garment Workers' Union fairly regularly after its formation?

I would say fairly regularly. A. .

Had you discussed with any other employees the

matter of forming the Union prior to April 27?

A. Well, I don't know whether we discussed forming a union. We had read the Wagner Act, but we were not sure about the distinction between interstate commerce and manufacturing.

Q. Was that a matter that was discussed among the

employees? A. The Wagner Act was.

Q. What time of day was the meeting of April 27 hold?

A. I would say it was around 5 o'clock.

Q. Did you attend that meeting in your uniform or had you dressed?

A. I don't remember. I probably dressed, because I think I was one of the first to get off from work.

Q. At the time of April 27, 1937, what was your working day?

A. If we were not working overtime, it would be about 4:20.

Q. How did you get notice that that meeting was to be held? A. I think it was just generally discussed and passed around—the word was passed around. That is the way we do when we want anything known; we just start it out.

Q. I will hand you Board's exhibit 8-21, appearing in the Circuit Court of Appeals record at page 4415, being the minutes of the Donnelly Garment Workers' meeting of May 25, 1937, and ask you to read those minutes.

(Thereupon the minutes referred to in the last question were read by the witness.)

Q. Did you attend that meeting?

A. Yes, I believe I did.

[fol. 4783] Mr. Langsdale: What was the answer?

The Witness: I did.

By Mr. Lane:

Q: Do you know Marjorie Green? A. Yes.

Q. Did she occupy any office in the union in 1937?

A. Yes. I believe she was secretary.

Q. Did you see her at the meetings of the union in May, 1937? A. Yes, I saw her.

Q. What was she doing?

A. She recorded the minutes. That was her job,

Q. Was there ever any time at which a meeting of the Donnelly Garment Workers' Union was immediately followed or immediately preceded by a meeting of the Loyalty League! A. I don't remember any.

Q. Did you at the meeting of May 25, 1937, discuss, in the union meeting, raising any money for the Loyalty

League?

A. The union never raised any money for the Loyalty League, that I know of.

Q. Well, did you discuss it at that meeting? A. No:

Q. What time of day did that meeting convene? [fol. 4784] A. I couldn't give the exact time. It depended on whether we were working 9 hours or not. It was after work.

Q. Was there ever any time in 1937, or any other time, when a meeting of the Donnelly Garment Workers' Union was held before the close of working hours? A. No.

Trial Examiner Batten: You mean, including after July 15, 1939?

Mr. Lane: No. I will make the same agreement other counsel have made: Unless specifically stated in my question, I will limit my questions to before July 15, 1939.

By Mr. Lane:

Q. Did you understand my questions to mean the time preceding July 15, 1939?

A. I thought all of the evidence was.

[fol. 4785] Mr. Lane: Mrs. Barnes, did you sign a statement that was circulated in the plant on March 2, 1937?

A. I did.

Mr. Lane: The copy I am looking at is so faint in some places that I may have overlooked Mrs. Barnes' signature.

[fol. 4786] Do you happen to know the page where she signed, Miss Weyand?

Miss Weyand: Yes.

Mr. Lane: Perhaps it would shorten this if you would point it out to me.

Miss Weyand: Column 3, line 5, on page 5378.

Oh, you want the other?

Mr. Lane; Well, I can use that just as well.

Miss Weyand: Pagé 5964.

Mr. Lane: What was the line number? You said col-

Miss Weyand: It is column 3, line 5, on page 5964, beginning "Emma Harris, Mary Kruger, Dolly Otis, Margaret Leger, Lois Barnes,—"

Mr. Lane: Thank you.

Mr. Lane: I will hand you page 5964 of the Circuit Court of Appeals record and ask you to examine that, please.

By Mr. Lane:

Q. Directing your attention particularly to the 5th name in the 3rd column, I will ask you to state whether that is your signature. A. Yes, it is.

[fol. 4787] Q. Did you on or about March 2 sign a paper in the plant bearing that material at the top of the page? A. Yes, I did.

Q. Who presented that document to you?

A. There were two girls— I understood they were from the shipping department. Mary—a Mary, and Inez Warren. I believe they handed it to each girl down the row, as I remember it, and asked them to read it.

Q. Was anything said by them, or either of them, to

you before you signed it?

A. Yes. They asked us to read it and, if we cared to, to sign it.

Q. Did the statement at the head of that page express

your feeling?

A. It did. I wouldn't have signed it if it hadn't.

[foi. 4788] Mr. Lane: Mrs. Barnes, I will hand you respondent's exhibit No. 6, which appears at page 4864 of the Circuit Court of Appeals record, which is a copy of an article appearing in a Kansas City newspaper. I will ask you 10 read that.

Trial Examiner Batten: Do you recall having read that before, Mrs. Barnes! A. Yes, I believe I did.

By Mr. Lane:

Q. Do you recall reading this part of the article which was attributed to Mr. Perlstein:

"'Part of the union's campaign directed against the [fol. 4789] Donnelly Garment Workers' Union will be to send six women to cities and towns where its garments are sold, advising retailers and labor organizations," Mr. Perlstein said. 'Miss Palmer will have charge of this squad of fellow workers. Within a year we will have it completely organized,' Perlstein said, 'As soon as we have enough members we will call a strike. This will be in addition to carrying our side to the customers.'"

Did you read that part of the article when it appeared in the paper? A. Yes, I think I did.

Q. State what effect, if any, that article had upon you in connection with signing this statement of March 2 which was circulated through the plant and which was presented

to you by Mary Sprofera or Inez Warren.

A. We didn't like the idea of their sending boycotts out to boycott our goods, and we wanted to prevent that if we could. I think that was one of the reasons that we signed the petition. And also, we didn't want any strikes, down there. We wanted to work.

Mr. Langsdale: I ask that the latter part of this answer be stricken out as not responsive, particularly that part of it, "we signed the petition," because she was asked what effect it had upon her.

Trial Examiner Batten: Well, the question was, what [fel. 4790] effect it had upon you, Mrs. Barnes, not "we."

Isn't that correct, Mr. Lane!

Mr. Lane: That is correct.

Trial Examiner Batten: I don't think it is responsive where she refers to "we." That part may be stricken.

By Mr. Lane:

Q. Will you state what effect it had upon you?

A. I thought it was terrible that they should be allowed to boycott our goods. I wanted to work without any interference and I didn't want any strikes, because, naturally, they would be of a violent nature.

Q. Wr. the content of this item of February 26 dis-

cussed generally about the plant, as you observed?

A. Yes, it was.

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Q. State what you noted and what was said to you by other employees in the plant in connection with that article.

A. Well, I think that—it was general talk. They didn't want any strikes either, and they thought it was very unfair for the I. L. G. W. U. to attack us in that manner. I believe that is as well as I could state it.

Q. State whether or not this article was in your mind

on March 2 at the time you signed that petition.

A. Yes, I believe it was.

[fol. 4791] By Miss Weyand:

Q. Did you happen to notice this morning when you were, looking at the Loyalty petition whether the names appearing before and after yours were persons who worked in the same section with you in March and April of 1937! A. Some of them were.

Q. I wonder if you could look at this (indicating petition) and indicate just about where the names begin in your section and where they end. Would you know?

A. I don't believe I could remember the whole section.

Q. What names do you notice near your name that were in your section at that time? A. This—

Q. In the 3rd column-

[4792] A. Emma Harris, Mary Kruger, Dolly Otis, Margaret Lege & myself, Blanche Martin— I'm not sure I am familiar with these two (indicating) here, but Jane Beal—

By Miss Weyand:

Q. The two you are not familiar with are Ethel Crowther and Mary Wood; is that correct?

A. Yes. I'm not sure about that (indicating)-

Q. You are not sure about which other one?

A. I am not sure they were sitting close to me. I don't know where they were.

Q. The first names you read, preceding yours, were all in your section; is that correct?

[fol. 4793] A. Yes. Those are all familiar to me.

· Q. And were in your section at that time? A. Yes.

Trial Examiner Batten: That is, the names preceding yours? A. Yes.

[fol. 4794] A. (Continuing) I was on the end, and it would appear to me that these names started around me there:

By Miss Weyand:

Q. Do you remember who was the instructor of that section at that time?

A. I believe it was Ada Vining, but I'm not positive about it.

Q. Do you know whether you were in Ada Vining's section in March and April of 1937?

A. I was in 414. I'm not sure who was the instructor at that time.

[fol. 4795] Q. What instructors do you remember having during 1936, 1937, and 1938?

A. Well, taking it in the three-year period, that would probably cover that change. We had Ada Vining, Mrs. Cooke, Mrs. White, and Lola Skeens. If there was any more, I don't remember right now.

Miss Weyand: I am going to hand the witness Board's exhibit No. 2 and ask her to direct her attention to the second page thereof, which appears in the Circuit Court of Appeals record at page 4362, and ask her to read an article there appearing, entitled "Nine Hundred Join Loyalty League." The article runs over to page 4363 of the Circuit Court of Appeals record.

[fol. 4796] Mr. Reed: What is that?"

Miss Weyand: The article appears in the N. D. A. A. (being Nelly Don Athletic Association) News for February, 1935.

Mr. Ingraham: We object to the witness being examined about what appeared in the Nelly Don Athletic Association News. There is no showing that the company had anything to do with the publication or is in any way responsible for anything that appeared in it.

Trial Examiner Batten: Of course, there isn't any question pending yet, Mr. Ingraham.

Mr. Lane: Mr. Examiner, wasn't it your ruling this morning that you were going to confine the examination at this point to matters occurring within n reasonable time prior to April 27, 1937?

Trial Examiner Batten: I say, there isn't any question pending yet to rule upon.

Mr. Lane: She is directing attention to what occurred in 1935.

Mr. Reed: I think if the Examiner will search his recollection, he will remember he refused to let Mr. Lane show the witness an article which lay outside of these limits, or examine about it.

(Thereupon the above-specified article was read by the witness.)

[fol. 4797] Q. (By Miss Weyand): Did you read that article when it appeared?

Mr. Ingraham: I object to that question as immaterial to any issue in this case.

Trial Examiner Batten: Overruled.

Mr. Lane: Intervener makes the same objection.

Trial Examiner Batten: Overruled.

A. I don't remember whether I read that or not.

By Miss Weyand:

Q. Have you ever read this article before?

A. I don't believe that I read it.

Q. Did you attend the meeting here described as a meeting at which 900 persons were present and cards were passed out for membership in the Loyalty League?

Mr. Ingraham: Now, I object to that question. It is outside the scope of the offers of proof, and the witness has stated that she did not read the article.

Mr. Reed: Outside of the scope of the ruling this morning made.

Trial Examiner Batten: Did you state, Miss Barnes, that you did not read this article?

[fol. 4798] A. I don't remember reading it in that pamphlet, no.

Trial Examiner Batten: Of course, the question now is did she attend the meeting of 900 people, is that right?

Miss Weyand: That is correct.

Trial Examiner Batten: You may answer.

Mr. Lane: I would like to have a continuing objection to showing the witness any article excluded by your ruling this morning. This witness was questioned about something that happened in 1935 and 1936, and the Board has gone back to 1935, and I want to object.

Trial Examiner Batten: Just a moment. You may have a continuing objection.

Mr. Ingraham: The respondent would like to have the same continuing objection.

Trial Examine Batten: You may have the same continuing objection.

Miss Weyand: I would like to point out that the company's offer at page 3468 does refer to the formation of a Loyalty League and offers these witnesses to prove that they were not asked to join the Loyalty League by any official, and so forth. That is in the company's offer.

Trial Examiner Batten: I grant the continuing objection. You may proceed with your examination.

By Miss Weyand:

Q. Did you answer why you remember attending such a meeting?

[fol. 4799] A. I remember attending one meeting where we chose our pins, and whether that is the same meeting I am not sure.

Q. Is that the first meeting of the Loyalty League you recall attending?

A. I don't know whether it was or not.

Q. Did you attend the meeting at which Herbert Mutchler read an article from the Liberty magazine?

A. I don't remember whether I was at that meeting or not.

By Miss Weyand:

Q. Did you join the Loyalty League?

A. Yes, I joined it.

Q. Where did you join it?

A. What do you mean, where did I join?

Q. Was it at a meeting or was it at your section, or where were you when you joined?

A. Well, I don't remember. I think cards were passed [fol. 4800] out to some, if you wanted to become a member.

Q. Where were those cards passed out, at a meeting or in your section or some place else?

'A. I couldn't say, I don't recall:

Q. Do you know who the officers of the Loyalty League were? A. At what time?

Q. Any time?

A. Well, I believe Herbert Mutchler was our first president.

Q. Do you know any other officers?

A. And Rose Todd was president after that.

Q. Do you know any other officers?

A. I believe Thelma Huffaker was president after-Rose Todd.

Q. Do you remember any other officers?

A. Well, there is a president now, but I can't remember the name.

Q. Those are the only officers you recall, Herbert Mutchler, Rose Todd and Thelma Huffaker?

A. I believe they are.

Q. Do you recall who presided at the meeting at which you discussed choosing a pill?

1. No, I don't remember who presided.

Q Do you remember who presided at any meeting of the Levalty League?

A. Well, I can remember Herbert Mutchler, I believe, but to my recollection we didn't have so very many meet[fol. 4801] ings, mass meetings, or anything like that.

We weren't required to go, and I probably didn't attend a lot of them.

How many meetings do you recall attending of the

Lovalty League?

Well, I remember the one where we chose the pins, and that is the reason I remember that, and I can't remember just off-hand what others I attended.

Q. You don't remember any other meeting at all?

A: No, not right now I can't.

I notice this article which you read said—described the meeting of February 8, "Mrs. Gray displayed a drawing of a tentative pin and explained the meaning of the word 'Loyalty', as it pertains to the League purposes."

Mr. Ingraham: Now, I make a further objection to that question for the reason it is not proper cross-examination. Respondent didn't go into that matter direct, it is not in the offers of proof.

Trial Examiner Batten: Overruled.

Do you have a question?

By Miss Weyand:

Q. Yes, I read you from this Athletic Association News a statement that Mrs. Gray, at the mass meeting of February 8, made, "displayed a drawing of a tentative pin and explained the meaning of the word 'Loyalty' as if pertains to the League's purposes," and ask you if you recall that in connection with the cloosing of the pin.

[fol. 4802]. A. I don't know whether we close our pin. then or whether it was just discussed.

. Q. Do you remember Mrs. Gray discussing the mean; ing of the word "Loyalty"?

A. No, I don't remember that.

Q. You don't remember whether this Is the meeting

you attended or not?

That, I guess, is what I remembered the drawing of the pin. I don't remember whether that was the meeting I was at or not.

Q. But you do recall being in a meeting where there

was a drawing of a in discussed?

A. If I remember I was.

Q. Do you remember who discussed it at all? A.

Q. Do you remember where the meeting was held?

A. I don't remember; it probably said there, but I don't

remember the meeting.

Q. I would like to have the witness look at I. L. G. W. U. exhibit No. 19, which appears in the Circuit Court of Appeals record at page 5984, and state whether she ever heard that article read, or read that article?

Mr. Reed: What is the date of it?

Miss Weyand: February 16, 1935.

Mr. Stottle: Mr. Examiner, we renew our objection to [fol. 4803] 'this question as being outside of the scope of your ruling, as it involves a time of two Mars before the formation of the Donnelly Carment Workers' Union.

Trial Examiner Batten: Of course, there isn't any question pending. Do you have it there, Mr. Ingraham?

Mr. Ingraham: Yes.

Trial Examiner Batten: May I see it?

Mr. Reed: After that, the further objection that it is immaterial, incompetent, and foreign to the issues.

Mr. Langsdale: The last page of respondent's offer covers the entire existence of the Loyalty League.

Mr. Ingraham: Respondent further objects to anything that is printed in the Liberty Magazine, as not binding on the respondent.

Mr. Lane: The intervener makes the same objection in regard to this article.

Trial Examiner Batten: Just a moment. Is there a question pending, Mr. Reporter?

(Thereupon the last question was read by the reporter as follows:

"I would like to have the witness look at I. L. G. W. U. exhibit No. 19, which appears in the Circuit Court of Appeals record at page 5984, and state whether she ever heard that article read, or read that article?")

Trial Examiner Batter: The objections are all over-

[fol. 4804] A. No, I never read it and I don't remember hearing at read.

Q. (By Miss Weyand): I will ask the witness to look at I. L. G. W. U. Exhibit No. 2, which appears in the Circuit Court of Appeals record at 5942.

Trial Examiner Batten: What was that page?

Miss Weyand: 5942.

By Miss Weyand: . .

Q. And ask the witness if she ever signed such a statement?

A. I don't remember whether I did or not.

Q. Have you ever read that statement before?.

A. I couldn't say.

Mr. Reed: Is that statement at the head of the membership of the Loyalty League that you are referring to?

Miss Weyand: Yes.

By Miss Weyand:

Q. Did you ever hear of a petition being circulated

at the time the Loyalty League was formed?

A. It seems that I did, but I don't recall just those words, I don't remember whether that is what it was or not.

Q. Do you remember anything that was in the statement that was circulated, and that the girls signed?

A. No, I don't recall—it seems that—I just don't recall
[fol. 4805] significant. I may have, but I don't remember.

Q. Do you know whether, at the time the Loyalty League was formed you felt that you wanted to protest against and resist the attempts of outside interference?

A. Well, that was the expression to each other, loyalty to each other in the plant, in protest against the untruths that had been stated about us.

Q. What untruths are you referring to?

A. Well, I think we had been called a sweat shop.

Q. And that is the only untruth you remember, that you had in mind?

A. Oh, I don't think that was the only one, I think there was more than that.

Q. Do you remember the date on which the Loyalty

A. I think it was in—I don't remember the month, but it was in 1935, it was early in the spring, I believe.

[fol. 4813] Q. - Did you, prior to July 15, 1939, personally take up any grievances with Mr. Baty?

A. No, I personally did not.

By Miss Weyand:

- Q. How often, prior to July 15, 1939, did you speak to Mr. Baty?
 - A. How often did I speak to him?
- Q. Yes, monthly, weekly, daily, hourly, or on what occurrence?
 - A. Probably daily, I saw him daily I am sure.
 - Q. Did you ever discuss with him very often?
 - A. No, I didn't take the time to talk much with him.
 - Q. Did you ever visit with him?
- A. Oh, I think I did once at a party, I believe I danced with him.
- Q. What, of your own knowledge, do you know of Rose Todd's job?
- A. Just what I stated on direct examination. She had [fol. 4814] something to do with the notions.
- Q. What do you actually know about what she has to do?
- A. Well, I don't actually know what anybody's job is but mine.
 - Q. What did you actually see Rose Todd do?,
- A. I saw her come into the section sometimes to check up on what was needed to go on a certain type of work that we had, I have seen that.
- Q. And that is the only thing you ever saw Rose Todd do?
- A. I know she was always running here and there, doing little odds and ends, and checking them off, and things of that sort, so I supposed what I saw about it was so.
- Q. Did you ever attend any style shows that were mentioned?

H. yes.

Q. What time of day were those held?

A. Well, we have had style shows at different places, we have had style shows in the evenings and after work, but I don't believe I attended any of them during the day. They have had them during the day.

Q. Had you ever heard Mrs. Reed make a speech before

March 18?

A. Yes, I think she has spoken at the style shows.

Q. How often had you heard her speak prior to March

A. Well, it was not very often. .

Q. Do you have any idea of how many times? [fol. 4815] A. No, I couldn't say how many times, because I don't recollect how many style shows I went to; she also spoke at Christmas parties, but I never attended those.

Q: Do you remember the occasion prior to March 18th on which you heard Mrs. Reed speak, the last one prior to March 18?

Mr. Reed: I couldn't hear that question.

Trial Examiner Batten: Will you read the question, please?

(Thereupon the last question was read by the reporter.)

A. No, I don't remember.

By Miss Weyand:

Q. Do you remember what Mrs. Reed said at any of the meetings, what the topic of her speeches was?

A. Well, it was naturally on the new lines, because that is the topic of conversation at style shows.

Q. Did you ever hear her mention anything pertaining to labor matters prior to March 18, 1937?

A. I don't believe I did.

Q. Did she discuss the bus situation at the March 18 meeting?

A. I don't know whether she discussed that or whether someone else did. I don't remember hearing her say anything about that.

Q. Did you ride buses?

A. I believe that I rode sometimes in the evening, but not in the morning.

[fol. 4816] Q.\ Do you remember how the committee was chosen at the March 18 meeting, to go and see a lawyer?

A. I don't remember how it was chosen.

Q. Did you know that the committee had gone to see Mr. Tyler prior to the April 27 meeting at which Mr. Tyler appeared?

A. Yes, they were the committee that went, but I don't

remember how they were chosen.

Q. When did you first learn they had gone to see Mr. Tyler?

A. I think that was the meeting the last of March.

Q. Did they tell you anything of the discussion they had with Mr. Tyler when they saw him?

A. As I remember they did.

Q. What did they say?

[fol. 4817] A. Well, it was mostly just that he would require a retaining fee before he could go to the trouble of advising us.

Q. Do you remember what was the next meeting after that at which you discussed a retainer fee.

A. After the last of March meeting?

Q. NYes.

A. I think the next meeting was where he came and talked to us.

Q. Did you discuss a retainer fee at that meeting?

. A. No, I don't believe so; we had raised our retainer fee at the previous meeting.

[fol. 4819] Q. When you joined the Donnelly Garment Workers' Union, you stated you expected it to protect you. What did you have in mind by that?

A. Well, I believed that if we had our own union there would be no casons for any violence, because we would be able to speak for ourselves, and no one else could call a

strike.in our plant.

[fol. 4820] Q. Do you have any knowledge as to whether the \$16.50 minimum included in the Donnelly Garment Workers' Union supplemental contract raised the pay of any girls, or were all the operators getting \$16.50 prior to that contract?

A. Prior to the first contract?

Q. Yes.

Trial Examiner Batten: How does that come within this cross-examination?

Miss Weyand: I think it is proper with her under standing of what she thought the Donnelly Garment Workers' Union was going to do.

Trial Examiner Batten: Weil, I didn't ask you what you thought. I said, how does it come within this cross-examination?

Miss Weyand: Well, on direct she testified as to her expectations of the Donnelly Garment Workers' Union. I was just going into her understanding of what she thought it was going to do, so I think that is proper cross-examination.

Mr. Ingraham: I submit on direct the respondent did not go into that.

Trial Examiner Batten: Well, of course, I don't know anything that was gone into in that connection, or anything that related to it. Of course, I realize, Miss Weyand, and I presume all counsel here agree with me, that as a general proposition where a witness testifies on a matter [fol. 4821] which might enable the person who has to decide the case to draw an inference, or something of that sort, that, of course, either the Examiner or an one else conducting a hearing should be very careful not to limit cross-examination on a possible inference which may be drawn, and yet, with that, as with everything else, there has to be a limit some place.

Miss Weyand: On direct she testified that girls were so satisfied with their conditions down there that they didn't want the union to get any advantages. I submit the question is proper cross-examination in view of that direct.

Trial Examiner Batten: Well, I don't think so. I don't think I want to open up that question in connection with those contracts.

Miss Weyand: I also think it is proper cross-examination in view of her identification of meetings along in March, April and May. These also occurred in May and June, and it is proper to have her show her recollection of what was stated at these meetings. Trial Examiner Batten: That is not the question.

Miss Weyand: Maybe I should rephrase it.

Trial Examiner Batten: Well, I don't know anything about you rephrasing your question, but if you have a question raised, it will be very obvious to you what I all directing my remarks to.

Will you read the question please?

[fol. 4822] Miss Weyand: L'Il state à new question.

Trial Examiner Batten: Well, let's have it read.

(Thereupon the last question was read by the reporter, as follows:

"Q. Do you have any knowledge as to whether the \$16.50 minimum included in the Donnelly Garment Workers' Union supplemental contract raised the pay of any girls, or were all the operators getting \$16.50 prior to that contract?"

Trial Examiner Batten: Well, as I say, I don't care to go into that matter.

Miss Weyand: Here is what it was on direct. She said everybody knew what they wanted and were getting it.

Trial Examiner Batten: I still say I don't want to go into that matter.

Miss Weyand: All right. Can I ask her -

Trial Examiner Batten: (Interrupting) You ask the question, and I'll determine whether or not I think it is property.

By Miss Weyand:

Q. What did you mean by that statement that everybody knew what they wanted and were getting it?

A. Maybe I didn't express myself. I should have said everybody knew what they didn't want, anyway.

Q. You didn't mean to say they knew what they did want?

A. Well, I think they knew what they did want, too. They did want to keep the I. L. G. W. U. out. [fol. 4823] Q. And that was all you had in mind when you made that statement, was it?

Yes, I think that is what I had in mind.

Q. And when you said, "and were getting it," what did you mean by that?

A. Well, they were taking steps in that direction.

Q. . And by those steps you referred to what?

A. To protecting ourselves against outside interference.

Q. By that you mean the formation of the Donnelly Garment Workers' Union, do you, or do you refer to something more than that?

I think I had the formation of a union in mind. We knew that is what we should do, after we talked to our

attorney.

By Mr. Langsdale:

· Q. Mrs. Barnes, you are now working as an operator!

I am. A.

[fol. 4824] Q. You have been here a number of days, while this triggles been going on? A. Oh, yes.
Q. Before A took the witness stand? A. Yes.

And you heard the other witnesses testify?

Yes, I heard some of them. A.

You were at the meeting of April 27, when the union was formed? A. I was.

And your vote was taken as to whether there should be a union formed?

Was there an open statement?

There was a vote taken as to whether or not there should be a union formed.

There was a motion made that we form a union.

Yes, and a vote taken on that motion? Q.

A. There was.

Q. Unanimous, wasn't it? A. It was.

[fol. 4825] Q. And then someone said the union was going to be called the Donnelly Garment Workers' Union, and they had the cards all ready to sign, did they not?

A, Nobody signed cards until after that.

Q. I know, but at that meeting you signed the cards, didn't you?

I didn't sign my card at that meeting-yes, I did

I thought you said you did. But those cards were printed and ready for you?

A. Well, yes, I should say they were.

Q. And the name in the card was Donnelly Garment Workers' Union, wasn't it! A. Yes.

Q. And you took a vote on whether or not that should be the name?

A. I think that was discussed at the meeting in the last of March.

Q. When?

A. At the meeting the last of March.

Q. Oh, you think you discussed it the last of March, that the name should be Donnelly Garment Workers' Union, is that your recollection?

A. Well, I imagine that is right.

Q. Well, I want your best recollection.

[fol. 4826] A. That is my best recollection.

Q. Your best recollection is that this meeting that followed the 18th of March meeting was the first meeting in which you heard it discussed, that the name should be Donnelly Garment Workers' Union?

A. It was mentioned at some time, it was probably that

meeting.

Q. Yes. Well, that is your best recollection, is it?

A. I will say that it was.

Q. Who discussed it at that meeting?

A. Well, I am not very clear on it, so I can't say.

Q. Well, was it Rose Todd? A. I couldn't say.

Q. Have you any judgment at all as to who, at the meeting, where this 50c was voted, discussed the name, "Donnelly Garment Workers' Union"?

A. No, I don't recall.

Q. You don't recall who discussed it?

A. I am not sure that it was discussed.

Q. Well, didn't you just get through saying your bestjudgment was that it was discussed?

A. I said I imagined if it was discussed it was at that meeting.

Q What do you mean by imagined?

A) If it was definitely discussed prior to the 27th, it was probably that was probably when it was discussed. [fol. 4827] On the other hand, it might have been the committee who made up the name; in fact, the name was perfectly obtains, of what it would be called.

Q. Now, let's get back to your statement that your best judgment was that you first heard the name discussed at the meeting at which they voted the 50c. As that your best judgment?

A. I wouldn't say that it was discussed then, or it

was not discussed then.

Q. What committee are you talking about, that may have gotten the name up before April 27?

A. The committee that was voted to see Mr. Tyler.

Q. What committee?

A. The committee that went to see-Mr. Tyler.

Q. Well, that was Miss Todd, Miss Ormsby and Mr. Atherton, is that correct? A. Miss Todd was one.

Q. Well, had you consulted with that committee any time prior to April 27, when the union was formed?

A. On March 18 meeting, we gave them the authority to

go ahead and-

Q. (Interrupting): That is not the question. Had you consulted with the committee at any time prior to April 27, 1937? A. I had not.

[fol. 4828] Q. Do you know anyone who had, with reference to the name "Donnelly Garment Workers' Union"?

A. I don't believe I know anyone personally.

Q. Now, at that meeting there was a motion made that a nominating committee be appointed to—

Mr. Reed (Interrupting): You are speaking now of the meeting of the 27th?

By Mr. Langsdale:

Q. Do you remember that motion? A. I do.

Q. And the vote on that was unanimous, too, wasn't it? Do you remember that? A. Yes.

Q. And do you remember that the vote on the name was unanimous? A. On what name?

Q. Donnelly Garment Workers' Union?

A. Well, I imagine that it was: All the votes they took were unanimous.

Q. Was there anything at all discussed at that meeting, where there was any dissenting of any kind?

A. I don't remember of any; everyone had an oppor-

tunity to say what they thought.

Q. But no one thought of saying anything that was opposed to the motions that were made, did anyone?

A. I doubt if they wanted to.
[fol. 4829] Q. Well, I am not asking you that: Did
anyone? A. I don't know what they thought.

Q. Well, did anyone say anything against any motion

presented?

A. They didn't say anything, they might have

thought, it.

Q. Now, you remember Mr. Tyler pulled some by-laws out of his pocket that he had already prepared and read them do you?

A. No, I think he took them out of his brief case.

Q. Oh, out of his brief case, instead of his pocket?

A. Yes.

Q. But he read them?

A. Yes, he read some by-laws.

Q. And then there was a motion that the by-laws be accepted, was there not?

A. Well, I think they were accepted subject to change.

Q. Well, let's see if you remember this motion, "Motion made by Ellen Nokes that we accept the by-laws as they were read; seconded by Virginia White," does that refresh your recollection? A. Yes, I imagine it does.

Q. And then the vote was unanimous, wasn't it?

A. Oh, yes.

Q. No one discussed those by-laws, did they? A. No.

Mr. Reed: Wait a minute. I think counsel ought not [fol. 4830] to try to mislead the witness. If he puts in part of these minutes, he ought to put in the qualifying phrase that it was explained that the by-laws could be changed at any time. Isn't that right in the minutes before you?

[fol. 4832] Mr. Reed: Well, I move to strike out the question as misleading and improper for the reason that there is no connection with the other matter called attention to, which counsel did not refer to, although he apparently was reading from the records. This was said, "I suggest to adopt, then, the by-laws, and then leisurely amend them, when the majority of you wish them changed. They are drawn as foll ws:" so that there was in this meeting a statement made that if they adopted them, then they could change them afterwards.

Now, I think Mr. Langsdale, perhaps inadvertently, omitted to call attention to that fact.

Mr. Langsdale: I didn't do it inadvertently. I don't have to read everything that happened at that meeting.

Trial Examiner Batten: Read the question and answer, [fol. 4833] please; there is a motion to strike.

(Thereupon the last question and answer were read by the reporter, as follows:

- "Q. No one discussed those by-laws, did they?
- "A. No.!")
- A. Mr. Examiner, I think before that I was asked if these by-laws were accepted, and I said they were accepted subject to change.
- Q. (By Trial Examiner Batten): Well, then, you weren't misled by any questions Mr. Langsdale asked you, were you? A. No, but he didn't read all of it.
- .[fol. 4841] Q. Now, you, I believe, said Mary Sprofera and Inez Warren brought the petition of March 2 to your machine and you signed it. A. Js that a question?

Q. Is that correct or not? A. That is right.

Q. How long did these girls pause af your machine, if you know?

[fol. 4842] A. Long enough for me to read the petition.

Q. And to-

A. and to sign it.

Q: And to recollect and think over the article of February 26?

A. I didn't have to rethink over that article.

Q. You said you did, at the time you signed this petition, in answer to one of Mr. Lane's questions—that you had in mind the article of the 26th of February when you signed this petition of March 2. Did you say that!

A. I had quite a lot of things in mind at that time.

Q. Did you say that—the article of February 26?

Mr. Reed: Say what?

Mr. Langsdale: That she had that article in mind when she signed this so-called "Loyalty petition" on March 2.

Mr. Reed: That doesn't mean she had to stop and think it over, as you put into your question.

Trial Examiner Batten: The question to the witness is, did she have it in mind!

A. I don't know whether I had that article in mind or not.

By Mr. Langsdale:

Q. You answered that you did, in reply to Mr. Lane's question, did you not?

A. I imagine that the results of that article were in

my mind.

Q. But right now you don't know whether you had that [fol. 4843] particular article in mind or not, do you?

A. I say, I imagine the results of it were in my mind.

Q. But do you know whether or not you had the article in mind? Not "the results."

Al Probably not the complete article.

Q. Any part of it?

A. As I say, the accumulation of suggestions were in my mind.

[fol. 4844] Mr. Langsdale: Well, Mr. Lane asked you if when you signed the March 2 petition you had in mind the newspaper article of February 26, and you said "yes." Now, do you mean to stick by that answer, or do you want to modify it?

Mr. Reed: Now, I object to that. That is improper cross-examination. The witness has not changed her testimony in the slightest.

Trial Examiner Batten: The question is, does she want to, Senator? Not that she has.

The witness: No, I do not.

[fol. 4845] Q. You stated that you didn't think your instructor even knew that that petition was going through the section. On what do you base that statement.

A. I don't believe I said she didn't know that one was going through. There are a lot of things go through that she doesn't know about.

Q. Didn't you say you didn't think the instructor knew that that petition was going through, the petition of March

2? A. I don't know whether she knew it or not.

Q. Well, you have no recollection now at all as to whether she knew it or not; is that correct?

A. I think she was asked to sign it: She knew later,

anyway, that it was.

Q. Who was that instructor?

A. At the time I don't know who the instructor was.

[fol. 4846] Q. Now, in answer to one of Mr. Ingraham's questions you answered you didn't think the instructor knew that the petition was going around. Did you mean that?

A. Well, if she knew it I didn't know that she knew it.

Q. But that isn't Do you think that answer is the same as "I don't think she knew it,"?

[fol. 4847] By Mr. Langsdale:

Q. Now then, do you recall answering Mr. Ingraham that you didn't think the instructor knew the petition was

going around?

A. Well, I think what I had in mind then was the fact that it was possible that she did not know it, because we send a lot of those things through that they do not know about. It's possible that she didn't, or she could have. I don't know what she knew.

Q. Let me understand you. Do you say this could be true in your section, that two girls would come along with a petition and go from machine to machine and talk to the operators about that petition, asking them to sign or not, as they saw fit, and the instructor would never know that that was happening?

A. An instructor would know what was happening, but

maybe she hadn't read the petition.

Q. She would know they were there at the girls' machines with something and getting something signed, wouldn't she?

A. Evidently she would. I have had petitions in my hand and the instructor would ask me what they were and I-wouldn't tell her.

[fol. 4848] Q. Now then, before 1939, July of 1939, can you name any petition that ever went around in your section when the instructor didn't know about it?

A. I don't recall any specific one. There have been, I imagine.

By Mr. Langsdale:

Q. Now, you testified when you were shown Senator, Reed's interview published in the Times of May 11, by Mr. Ingraham, as to whether what the Senator said about Mr. Dubinsky in that interview had any effect on your decision with reference to the Donnelly Garment Workers' Union. Do you remember that?

[fol. 4849] A. I do.

Q. Do you remember your answer was, "My feelings were already formed at that time."? A. That is right.

Q. Do you remember that Mrs. Saucke gave that same answer? A. No, I do not.

Q. You sat here and heard Mrs. Saucke testify, didn't you? A. Yes.

Q. And you don't recall that she gave that same answer?

A. I don't recall all of those questions, no.

Q. Did you hear Mary Warth give that same answer?

A. No, I didn't.

Q. Would you say she didn't?

A. I wouldn't say she didn't. I don't remember that she did, though.

Q. You heard her testimony, didn't you? A. Yes.

Q. Was it while you were at Sylvia Hull's machine or near thereto that someone demanded that she give up her Loyalty League pin?

A. No, I don't believe I was there at that time.

Q. Did you hear that that had been done?

A. I heard that that had happened.

Q. Did you hear why they demanded her Loyalty League pin? A. Lheard why...

[fol. 4851] Trial Examiner Batten: Well, if you understand.it, you may answer.

She did belong.

By Mr. Langsdale:

Q: Did you think she had no right to belong to the Loy-

alty League and the L.L. G. W. U. at the same time?

A. As far as I know, she had a right to, although it wasreally against the policy of the Loyalty League, because we had all pledged our loyalty to each other.

Q. And against any union?

An Against any outside interference.

Q. You said you didn't believe that Rose Todd at any time ever represented the Donnelly Garment Company. Did you know that she made trips to the bank during that period for the Donnelly Garment Company—the First National Bank? [fol. 4852] A. I wouldn't know when she went to the

bank.

I am asking you if you did know. Q.

I said I wouldn't know.

[fol. 4856] Q. Now, up to that time did you know that the instructors sat in once a week with Mrs. Reeves and some others and discussed the work of the operators?

A. Up to the time that Mr. Baty took over?

I know they had what they called "going over the cards." I don't know who was there.

Did you know the instructor was there? A. Yes.

Q. Was there any notice sent around or any word given to you when Mr. Baty went there that the instructors would no longer sit in on those conferences?----

A.-Mr. Baty had a desk on the seventh floor when he took over that job; it was put on the seventh floor, and we

were told that anything that came up that needed to be settled, we could take up with him.

Q. Who told you that?

A. I think one of the girls asked an instructor one day about some prices or something, and she told her to go to Mr. Baty.

Mr. Langsdale: Can you think of anything else said by anyone else that told you there had been a change in the [fol. 4857] authority of the instructor?

A. All I know is that his desk was there on the seventh floor and he started coming around and seeing about the work, and we were given to understand he was in charge—

By Mr. Langsdale:

Q. Do you know of any other incident, except the one you stated about some girl saying something to an instructor about prices and the incident of Mr. Baty's [fol. 4858] desk being on the seventh floor, that led you to believe there had been any change in the authority of your your instructor?

A. Well, I do know that Mrs. Reeves hated to give it up,

because she said yo.

[fol. 4859] Trial Examiner Batten: This last question, whether there was anything else other than the incident of Mr. Baty's desk being on the seventh floor and the incident of some girl making a statement about the instructor, was there any other incident that caused you to believe there was any change in the system?

[fol. 4860] The Witness: I thought I stated that Mrs. Reeves said she hated to give it up.

Trial Examiner Batten: Outside of that, there was nothing else-

The Witness: Not that I know of.

[fol. 4862] By Mr. Langsdale:

Q. Now, you said you did get a little peek of Sylvia Hull and you thought she looked ashamed, did you?

A. I did

- Q. And did you have to look through the crowd to see her?
- [fol. 4863] A. Well, no, I went over there once and saw her.
 - Q. Did you have to make your way through the erowd?

A. Oh, there wasn't a crowd.

Q. How many would you say were around her machine?

A. Oh, at the time I was there, there were probably two or three.

Q. Two or three? A. Yes.

Q. And that was after the demonstration was over, was it not?

A. Well, no. I seen girls going up there by twos and threes and fours just to see her.

Q. Was there any time when as many as fifty girls were around her machine?

A. No, I don't think that many could get around her machine.

Q. Well, in the room there getting as close as they could to her machine?

A. No, I never saw such a crowd as that.

Q. You didn't see that large a crowd? A. No.

Q. You didn't hear Sylvia Hull say anything when you got close to her?

A. No, she didn't say anything when I was close to her.

Q. And you didn't hear anyone say anything to her!

A The girls said something to her but I don't remem-[fol. 4864] ber what they said.

Q. What was it about her that influenced you to say you thought she was ashamed? A. She was very nervous.

Q. What else! A. She kept her eyes down.

O. And what else! A. She wouldn't talk to anyone.

Q. What else! A. Well, I don't know.

Q. Did you know that someone had threatened to throw her out the window? A. No, I didn't know that.

Q. You didn't know that is what made her nervous?

A. No.

Q. Did you learn that someone had threatened to tear her clothes off if she didn't give up her loyalty league pin?

A. No, I didn't hear that.

Q. You don't know whether that is what made her nervenus or not? A. No.

[fol. 4871] Redirect Examination.

Q. (By Mr. Ingraham): Mrs. Barnes, after Mr. Baty took charge of the plant did you observe that complaints were taken up with him, complaints of other operators?

A. Yes, they were sent to him.

Mr. Langsdale: What was that answer?

A. They were sent to him.

By Mr. Ingraham: .

Q. Prior to the time that Mr. Baty was in charge of the plant did the instructors have authority to settle complaints?

A. Yes, they had the authority to go and see about prices and to make adjustments in the section and things

of that sort..

Q. And was the change noticeable immediately after

Mr. Baty took over?

A. Yes, it was. The instructor didn't have anything [fol. 4872] to do with those any more, we had to see someone else, Mr. Baty.

Q. Naw, you stated, I believe, that at the meeting of at the meeting the latter part of March, 1937, that you made a contribution of 50c for the purpose of paying a retainer fee to Mr. Tyler? A. That's right.

Q. Now, did you make that contribution to the Loyalty

League? A.g No, I did not.

Q. Did you make the contribution for any purpose in

any way connected with the Loyalty League?

A. No. I thought of was clear that we raised that money simply to retain a lawyer to inform us about our rights under the law to protect ourself.

Q. Did you ever make a contribution to the Loyalty

League, that you recall, at any time?

A. Not that I remember.

[fol. 4875] Recross Examination.

Q. Mrs. Barnes, state whether or not it was a common practice for employees to send notices or memoranda of one kind or the other through the sections, pertaining to personal matters?

A. Yes, if they wanted to send notes through, they did.

Q. Will you state some of the occasions on which that was done?

A. Well, there were so many occasions. Somebody had a ride for someone in a certain vicinity, and they would send it through the sections or to the floor; if they wanted to take up a collection for flowers for someone, or buy a wedding present, or anything.

[fol. 4876] Q. And did you employees generally refer

to those notices as I. D. M.'s?

A. Well, some of them borrowed I. D. M. paper to write them on, that is just paper that was just used in the section for scratch paper.

Q. The employees personally used that paper for any sort of personal notice they wanted to send through the

sections?

A. Yes, if they didn't have any of their own, they just went up and got it.

[fol. 4880]; By Miss Weyand:

Q. Well, if you had machine trouble, or something, did you lose the time that you were not working at your

usual work because of machine trouble?

A. Well, I believe that was taken care of through the cage, to my understanding. When we put in a call—the calls are all written on a card, the time they are put in the time they are answered, and in that way they check the cards and see how much time we have lost.

Q. And how are you paid for that, a certain amount

an hour, or do you know?.

A. Well, for just our regular hourly pay, I suppose; that is my understanding.

By Miss Weyand:

Q. Well, did they give her an allowance, if the style was hard for her to get onto, and the first week or two she couldn't make her usual allowance?

[fol. 4881] A. Why, yes, I think she is given an allowance.

Q. Who determines whether she is given an allowance! A. Well, I suppose Mr. Baty doe [fol. 4887] EDITH DEAN, a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Direct Examination.

By Mr. Ingraham:

Q. Please state your name. A. Edith Dean.

Q. What is your address? A. 2523 Lawn.

Q. Kansas City, Missouri! A. Kansas City, Missouri.

Q. Are you employed?

A. At the Donnelly Garment Company.

Q. How long have you been employed at the Donnelly Garment Company?

A. Eighteen years ago last April.

Q. In what capacity do you work at the Donnelly Garment Company? A. Operator.

Q. Do you do any special kind of sewing!

A. Well, I run a pinker.

Q. How long have you been employed at the Donnelly.

[fol. 4888] Garment Company.

A. Eighteen years last April.

Q. Were you working there during the months of March and April in 1937, at the Donnelly Garment Company! A: Yes, sir, I was.

Q. Are you a member of the Donnelly Garment Work-

ers' Union? A. Yes, sir, I am.

Q. Did you join that union when it was organized?

A. I did.

Q. Do you recall about when that was?

A. It was the last of April in 1937.

Q. Now, at that time had there been any strikes in other garment plants in Kansas City, Missouri.

A. Yes, sir.

Q. I will hand you respondent's exhibits 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38 and ask you if you recall reading the articles that are contained in those exhibits, and if so, which articles you read.

[fol. 4889] Q. (By Mr. Ingraham): And you can state the number of the exhibit. That is exhibit 16. In exhibit. 16 did you see the pictures that are contained on the front page of the Kansas City Times of March 18, 1937?

A. I did. No. 17 I read; I didn't read 18 or 19 at that time; we didn't take the Post and I didn't read those except at the plant.

A. I believe I read 20, one of the girls handed it to me. This 21 I don't recall reading at that time, or 22.

I read this 23. I don't remember that I read 24 at that time.

A. I don't believe I read 24, I don't remember reading the article at that time.

This 25 I read at that time, it was in the Star-the Times, rather.

And 26, I read that also, and 27, I read that.

A. Yes. No. 28, I read that also. 29 I read.

[fol. 4890] And 30, I read that also.

I don't recall reading 31, though:

I don't think I read 32 either, nor 33.

I believe I read 34 down at the plant, I am not sure about that, but I believe I did at that time.

And 36, I read that.

A. I read that at the plant. Is that 35?

Q. (By Mr. Ingraham): Yes, that is 35:

A. Well, I read that down to the plant, one of the girls had it there.

I read 37. .

[fol. 4891] And 38, I read most of 38, but I don't believe I read it all at that time, but I read the biggest part of it.

By .Mr. Ingraham:

Q. Mrs. Dean, the afticles that you recall reading, will

you state what effect they had on you?

A. Well, it seemed to me like it was rather terrible that outside people would come in and keep people off of their jobs that they were working on to make their living at.

Q. Will you state whether or not the reading of those articles caused you to feel any nervousness about what might happen to you?

A. Well, it certainly did, yes.

Q. Was there a general discussion at the plant among the employees, of these news articles that were appearing in the Press? A. Yes, sir.

Q. Did you observe what effect the articles had on the.

other employees at the plant?

A. Well, they were all more or less like myself, they were rather nervous and worried about what might happen to us.

Q. Was there any discussion of those articles among

the employees? A. Yes, sir.

Q. Now, I believe you stated that you read—or saw in the Kansas City Times of March 18, the picture that appeared on the bottom of the front page; this is exhibit 16? A. Yes, sir.

[fol. 4892] Q. And you stated that you read the article that appears in the Kansas City Star of March 17?

A. Yes, sir.

Q. Entitled "Stters Block a Door" A. Yes, sir.

Trial Examiner Batten: What number is that?

Mr. Ingraham: That is exhibit 279

By Mr. Ingraham:

Q. Now, at that time, or approximately at that time, on March 18, after these articles had appeared in the paper, did the employees hold meetings?

A. Well, yes, we did.

Q. Will you describe any meetings that you recall that were held?

A. Well, they held one on the 18th of March, I think it was.

Q. . Do you recall the purpose of that meeting?

A. Well, to see if we could get some way to protect ourselves against this violence, so we wouldn't be subject to what some of the other plants in the city were being subjected to.

Q. Did any official or executive, or any person that you thought represented the management, discuss with

you the holding of such a meeting?

A. No, they never.

Q: Did any official or representative of the management request that a meeting be held?

[fol. 4893] A. Not to my knowledge.

Q. Did you ever hear it said by any employee that the

management wanted a meeting to be held?

A. I never did.

Q. Was that meeting a Loyalty League meeting?

A. No.

Q. Did you attend the meeting because you felt that if you didn't go you would be penalized by the management?

A. No.

Q. Did you go to that meeting of your own free will?

A. I did.

Q. Was there a general discussion at the meeting about what steps could be taken to protect yourselves?

A. There was.

Q. Will you state whether or not there was a suggestion made at that meeting that Mrs. Reed be requested to come to the meeting?

A. There was, I think.

Q. Did Mrs. Reed appear at the meeting?

A. Yes, sir.

Q. Did she make some remarks?

A. Yes, sir, she talked to us a few minutes.

Q. Did you hear Mrs. Reed make the statement that if the plant was unionized it would be closed?

A. I did not.

[fol. 4894] Q. Did you hear Mrs. Reed make the remark that she was not going to let Dubinsky tell her how to run her business?

A. I don't think I did, no.

Q. Did Mrs. Reed make any statement with reference to what she thought about whether or not an employee could join or not join a union?

A. Well, she said that she was not going to let Dubinsky force her employees to do anything that they didn't want to do; they could join or they could not, that was up to them, and she was not going to let anybody force them to do any particular thing.

Q. Did she make any statement to the effect that she was not going to let Dubinsky force her to force the em-

ployees to join the union against their will?

A. Well, something to that effect, but the exact words, I don't remember; but she was not going to let him force us to join any union against our will.

Q. About how long did Mrs. Reed appear at the meet-

ing?

- A. Oh, around ten or fifteen minutes, something like that.
- Q. Did you see Mrs. Reed or hear Mrs. Reed read a letter from the I. L. G. W. U.?

A. No, sir.

[fol. 4895] By Mr. Ingraham:

Q. Now, was there any action taken by the employees with respect to appointing a committee?

A. Yes, there was.

- Q. Will you state what occurred with reference to that?
- A. Well, we appointed a committee of three to see somebody to find out what we could do to get legal counsel, we didn't know just what we could do to protect ourselves.

Q. Do you recall who was appointed on that committee?

- A. Well, there was Rose Todd and Sallie Crmsby and Herbert Atherton, I believe, was the third one. I believe that was his name, Atherton.
- Q. Now, did your instructor order you of direct you to attend that meeting?

A. No, sir.

Q. Did any thread girl suggest or order you to attend the meeting?

A. No.

- Q. Did any floor lady?
- A. No, sir.

Q. And how did you happen to go to the meeting?

A. Well, I first heard of it in the lunch room at noon, that there was going to be a meeting, and then we talked it in our section that afternoon.

Q. You say you heard of it in the lunch room?

A. I heard somebody talk of a meeting in the lunch [fol. 4896] room at noon, the girls talking amongst themselves, the employees.

Q. Do you mean the operators?

A. The operators, yes.

Q. Now, after this meeting of March 18, did you read in the paper of the continuation of the violence at these other plants?

A. Yes, I did.

Q. Did you personally see any of the violence?

A. Well, I never personally seen the violence, but my sister was hurt in it.

By Mr. Ingraham:

Q. Was she hurt in the strike at 26th and Grand?

A. Yes, sir.

- Q. What was your sister doing there at the time?
- A. You mean what was her work in the plant?

Q No, how did she happen to be there!

A. Well, she was going to work; she worked at Gernes.

Q. Was she trying to get in to work?

A. She was trying to get in to work, yes, sir.

Q. Was your sister seriously hurt?

[fol. 4897] A. Well, I don't know whether you would call it so seriously or not, but it was pretty painful.

Q: Did she have to go to the hospital?

A. No, I don't think she went to the hospital, but she was off from work quite a while.

Q. Did your sister - strike that.

Were those injuries that were visited on your sister caused by the I. L. G. W. U. strikers?

Mr. Langsdale: Just a moment. I object to that unless she knows.

A. That is what she said.

Mr. Langsdale: Did she tell you who it was?

A. She didn't know their names, she said it was the union girls.

By Mr. Ingraham:

Q. Did your sister say whether or not these strikers worked at the plant where she worked?

A. She said it was no one she knew, she didn't know any of them.

Q. They were from outside of the plant?

A. She didn't know any of them.

Q. Was there a later meeting after the meeting of March 18 that the employees held in connection with the matters that the committee had been requested to investigate?

A. Yes, sir.

Q. Do you recall about when that meeting was held? [fol. 4898] A. Yes, as near as I can recall, it was along the last of March, but the date I don't remember.

Q. Did you attend that meeting?

A. I did.

Q. Did anybody representing the management or whom you thought represented the management discuss the holding of that meeting with you?

A. No, sir.

Q. Were you requested or directed to go to that meeting by your instructor?

A. No, sir.

Q. Were you requested to go to that meeting by the thread girl?

A. No, sir.

Q. Or floor lady?

A. No, sir.

[fol. 4899] By Mr. Ingraham:

- Q. I want to go back just a minute to the meeting of March 18. Will you tell the time of day that that meeting was held?
- A. Well, as near as I can remember it was around 5 o'clock.
- 4 Q. Will you state where the meeting was held?

A. On the second floor, I believe.

Q. Were you through work that day when you went to that meeting?

A. Yes, sir, I was.

Q. Now, going back to the meeting that was held the last of March, will you state what time of day that meeting was held?

A. It was around 5 o'clock.

Q. Will you state where that meeting was held?

A. It was also held on the second floor, I believe.

Q. Now, was that meeting a Loyalty League meeting?

A. No, sir.

Q. Did you ever hear it stated among the employees of the plant that that was the Loyalty League meeting?

A. No, sir.

[fol. 4900] Q. Will you state what occurred at that meeting?

A. Well, we had a report from the committee that went to see about legal advice, what we could do to protect ourselves, and they had seen Mr. Tyler and talked to him.

A. And they said that he asked a retaining fee of \$500, and would like to have suggestions on some way to raise it, or what they thought about it.

By Mr. Ingraham:

Q. Do you know what was done?

A. Well, everybody wanted to just give the money, you know, instead of raising it some other way, they all just wanted to give the money; I did, and somebody suggested \$1, but we came down to 50c, and each girl was to give 50c.

Q. When did you give this money?

A. The next morning:

Q. Do you recall whom you gave the money to?

A. I gave it to a girl in our section, but I don't recall what her name was:

Q. Did you make that contribution of 50c to the Loyalty League?

A. No sir.

[fol. 4961] Q. I we hand you again Respondent's exhibit 23 and I believe you stated you did read that article which appeared on March 27, 1937, in the Journal-Post?

A. Yes, I read this article.

By Mr. Ingraham:

Q. Did you understand from that article that the garment companies involved in the strike had applied for an
injunction?

A. That is the way I understood it.

· Q. And was there a general discussion at the plant, at the Donnelly plant?

A. Yes, sir, that is where I read the article.

Q. Was there a general discussion among the employees that an injunction might be obtained to protect you employees?

A. Yes, there was.

[fol. 4903] By Mr. Ingraham:

Q. Mrs. Dean, at the meeting that you just referred to, the latter part of March, was there a discussion at that meeting about the purpose of employing Mr. Tyler?

A. Well, the way I understood it, we wanted to see what we could do to protect ourselves against the violence

that had been going on at these other plants.

Q. And was the a discussion about employing a lawyer to investigate the law, for the purpose of bringing an injunction suit.

A. Well, that was my understanding, that it was part

of his remarks.

Q. Now, did you see employees at that meeting make

their contributions of 50c apiece?

A. Yes, I seen a few of the girls throw their money up on the platform, or where Miss Todd was standing, who presided; and someone suggested that we wait and take it up in our sections the next day, and each section appointed a girl to give the money to, and I went in and gave mine to the girl the next morning, before I went to work.

By Mr. Ingraham:

Q. Now, did the fact that Rose Todd presided at that [fol. 4904] meeting lead you to believe that the meeting was sponsored by the company?

A. No, sir.

Q. Did you consider Rose Todd a boss down at the plant? A. No, sir.

Q. Did you believe that Rose Todd spoke for the management in reference to labor matters? A. No, sir.

Q. Did the fact that Rose Todd presided at the meeting lead you to believe it was a Loyalty League meeting?

A. No, sir.

Q. I will ask you to state whether or not Rose Todd took an active part in the meeting of March 18?

A. She did.

Q. Well, did that fact lead you to believe that the meeting was sponsored by the company? A. No; sir.

Q. Did it lead you to believe it was a Loyalty League

meeting? A. No, sir.

Q. I believe you stated that you read respondent's Exhibit 38, which appeared in the Kansas City Star of April 12, 1937, and is entitled: "Wagner Act upheld"?

A. I didn't read all of it at that time, but I read the

biggest part of it at that time.

[fol. 4905] Q. Do you know whether or not the fact that the Wagner Act had been upheld was discussed by the employees?

A. Well, we discussed it in our section.

Q. Did you hear any discussion at the plant of an article that appeared in the Kansas City papers, on or about April 22nd, which stated that Sylvia Hull was going to the I. L. G. W. U. convention as a representative of the Donnelly employees?

Q. (By Mr. Ingraham): Was there a general discussion of that article?

[fol. 4906] A. Yes, sir, there was.

By Mr. Ingraham:

go to an International convention and ask support for a strike at the Donnelly plant? A., I had not.

Q. Did you hear of any employee at the Donnelly

plant selecting Sylvia Hull to represent her!

A.: I had not:

Q. Did you hear of any employee at the Donnelly plant that wanted a strike called by the International at that plant? A. I had not.

Q. What was the effect of reading this article, on you?

A. Well, it made me rather angry.

Q. What was the effect on other employees, so far as you could observe!

A. The same effect as it had on myself.

Q. I believe you had already stated that on April 27th, you joined the Donnelly Garment Workers' Union?

A. I did.

Q. Now, will you please state what reasons you had for voting to form the Donnelly Garment Workers' Union?

A: Well, I felt like we could do better by ourselves than [fol. 4907] any outsider, and because we knew our own problems, and I felt that someone in the plant representing us with the company could do better than any outsiders would, who didn't know anything about our organization and our work in the plant.

Q. I will ask you to state whether or not the activities; of the I. L. G. W. U. had anything to do with your feelings?

A. Well, more or less, yes.

Q. Well, in what respect?

A. Well, I didn't want to be called out on no strike, and I didn't want to go and participate in any violence, I would not have done that

Q. Did anyone representing the management discuss with you the forming of the Donnelly Garment Workers'

Union? A. No, sir.

Q. Did anyone representing the management discuss with any employee, so far as you know; the formation of the Donnelly Garment Workers' Union?

· A. Never that I ever knew anything of.

Q. Did you join the Donnelly Garment Workers' Union of your own free will! A: I did.

Q. State whether or not you felt that you would be penalized by the company if you did not join the Donnelly, Garment Workers' Union. A. I did not.

[fol. 4908] Q. Will you state whether or not you felt any pressure or any coercion on the part of the management in any respect in connection with whether you joined or did not join any labor organization? A. No.

Q. How did you vote, if you recall, in regard to the formation of the Donnelly Garment Workers' Union? I mean, was there an oral vote or was it written, or what did you do?

A. Well, an oral vote; as far as I remember, it was

an oral vote.

Q. Will you state whether or not the employees were

unanimous? A. Yes, they were.

Q. Will you state whether or not that was the sincere desire of the employees? A. I believe it was.

[fol. 4909] . By Mr. Ingrapam:

Q. Will you state who acted as chairman at that meeting?

A. As far as I remember, Miss Todd did.

Q. Did the fact that Miss Todd acted as chairman lead you to believe that the meeting was sponsored by the company? A. No, sir.

Q. Did the fact that Miss Todd acted as chairman lead.

you to believe it was a Loyalty League meeting?

A. No. sir.

Q. Did the fact that Rose Todd acted as chairman lead you to believe that she was speaking for the management in any way? A. No, sir.

Q. Do you recall what Rose Todd did, or what her

work was at the plant? .

A. Well, I never did just exactly know what Rose's work was, for she was at this place and that, was matching thread, and she hunted down this dress and hunted down that dress, and matched thread, or something, but I never did know what her general work was, but she was [fol. 4910] just here and yonder in the plant.

Q. Now, did you attend any of the meetings you referred to, the March 18 meeting, the meeting the last of March, and the meeting on April 27, in your capacity as

a member of the Loyalty League A. No. sir.

Q. Are you a member of the Loyalty League?

A. Yes, sir.

Q. When did you join the Loyalty League?

A. When it was formed, I think it was in 1935.

Q. Did you ever consider the Loyalty League a labor organization? A. No, sir.

- Q. Did you ever hear of the Loyalty League dealing with the management in respect to rates of pay or wages, or anything like that. A. No, sir, I never did.
 - Q. What did it do, the Loyalty League?
 - A. What did the Loyalty League do?
 - Q. Yes.
- A. Well, as near as I can understand it, it was a social affair; they gave parties. We had a number of clubs around through the sections, and they thought it would be nice to just get them all together as a whole, and have our dances and things together, and kind of get ifol. 4911] the employees to know one another, mingle together.
- Q. Did anyone connected with the management ask you to join the Loyalty League? A. No, sir.
- Q. Was it a voluntary organization?
 - A. As far as I know.
 - Q. Did you pay any dues into the Loyalty League?
 - A. I never did.
- Q. Did you ever hear of the Loyalty League having any activities that were sponsored by the company?
 - A. The Loyalty League?
 - Q. Yes.
 - A. No.
- Q. I mean by that did the Loyalty League hold a carnival or a dance at the request of the company, or anything like that?
- A. Not that I know of. The only way I know the Loyalty League helped was on the Christmas parties; they would help on the Christmas parties, that is the only recollection I have of that.
- Q. Did you understand or gain the impression that the Loyalty League promoted the formation of the Donnelly Garment Workers' Union? A. No. sir.
- Q. Did you understand or gain the impression that the [fol. 4912] Loyalty League was the forerunner of the Donnelly Garment Workers' Union?
 - A. No, sir, I never did.
- Q. Did you understand or gain any impression that there was any connection between the Loyalty League and the Donnelly Garment Workers' Union! A. No, sir. [fol. 4913] Q. Do you recall whether or not there were meetings of the Donnelly Garment Workers' Union, then

the meeting would be adjourned and they would hold a meeting of the Loyalty League, or anything like that?

· A. There never was, to my knowledge.

- Q. Was there any pressure or influence of any kind brought to bear on you by the Loyalty League or its officers to cause you to join the Donnelly Garment Workers' Union? A. No. sir.
- Q. Did any instructor or thread girl request or order you to join the Loyalty League?

1. To join the Loyalty League?

Q. Yes.

A. No.

Q. Do you recall when Mr. Baty was made production manager of the plant? A. Yes, sir.

Q. Was that during the symmer of 1935?

A. I believe it was.

Q. Will you state whether or not you ever considered an instructor your boss? A. No.

Q. Did you ever consider a thread girl your boss?

A. No. sir.

Q. Now, referring back to the time Mr. Baty took over [fol. 4914] the job of production manager, from that time up to the summer of 1939 I will ask you to state whether or not Mr. Baty took up grievances that the employees might have? A. Yes, he did.

Q. What had been the practice before Mr. Baty became

production manager, if you recall?

A. Well, we would talk to our instructor, and then we would talk to Mrs. Reeves.

Q. After Mr. Baty took over how did you learn that

he handled grievances?

A. Well, I went down on the seventh floor and seen him at his desk there. I made inquiries as to why he was there and they said he had taken charge of the plant and had taken over part of Mrs. Reeves's duties.

Q. Did you inquire what duties he would handle?

A. Well, the way I understood it-

Trial Examiner Batten: Just a moment. The question was, Did you inquire?

Do you mean, did she inquire of Mr. Baty?

Mr. Ingraham: Or anybody.

A. No, I didn't inquire of Mr. Baty.

By Mr. Ingraham;

Q. Did you learn what duties he was taking over and what he would handle?

A. I understood he was to have charge of the plant.

Q. From whom did you get that information?

[fol. 4915] A. Well, I'm not positive whether I went down to the mirse or not, but I believe that is the way I got it. The baspital was on the seventh floor at that time. I know I work down to the seventh floor for something and, as near as I can comember, that is where I talked about it with someone.

Q. When did this occurrence take place, if you recall!

A. . About the nurse?

Q. Yes.

A. I think it was the day Mr. Baty's office was put down there, or the day after I forget when it was when he first came down there.

Q. I will ask you to the ether or hot you observed Mr. Baty handling the complaint as mally that had formerly been handled by instructors?

A. I seen the girls go talk to him.

By Trial Examiner Batten:

Q. You did not know specifically what those matters were, did you?

A. No.

Q. So you didn't know whether they were matters that had formerly been handled by instructors or not, did you?

A. Well, not what they were talking about.

Q. In other words, unless you knew what they were talking about, you wouldn't know, would you!

A. No.

By Mr. Ingraham:

Q. Well, was it generally understood among the em-[fol. 4916] ployees at the plant that after Mr. Baty took over, the instructors would not have authority to handle complaints?

A. That was my understanding of the situation at the plant at time.

[fol. 4981] By Mr. Ingraham:

Q. I will ask you to state whether or not after Mr. Baty took over the plant there was any change, to your

knowledge, of the authority of instructors, passing on hiring or laying off or disciplining employees.

A. I don't know as the instructors ever had that au-

thority to hire and fire employees.

By Trial Examiner Batten:

Q. You mean by that, not knowing whether they ever had it, you couldn't say whether there was any change? Is that what you mean?

A. Oh, yes, there was a change-

Q. No. My question to you is, not knowing whether the instructors ever had the right to hire and discharge, you couldn't say whether there was any change?

A. I know they never had the right to hire and dis-

charge.

Q. Well, then, can you say whether there was any change when Mr. Baty went in there?

A. Yes.

Q. As to hiring and firing?

A. Well, as to- I don't know, but-

Q. My question to you was, as Mr. Ingraham's question was, whether there was any change as to hiring and firing.

Mr. Langsdale: I think the question was a little more comprehensive than that.

Trial Examiner Batten: It may have been, but that was the point I was concerned about.

[fol. 4918] Mr. Langsdale: Will you read the question?

Trial Examiner Batten: Which question, the original question?

Mr. Langsdale: Yes, asked by Mr. Ingraham.

(Thereupon the last question by Mr. Ingraham was read by the reporter, as follows:

"I will ask you to state whether or not after Mr. Baty took over the plant there was any change, to your knowledge, of the authority of instructors, passing on hiring or laying off or disciplining employees.")

Mr. Langsdale: "... passing on ... "!

The Reporter: Yes.

Mr. Ingraham: Were you through with your answer!

The Witness: Yes.

By Mr. Ingraham:

Q: Will you state whether or not you ever understood that 3 or 4 people, an instructor, Elizabeth Reeves, and several other people, passed on laying off people when Elizabeth Reeves was in charge of managing the plant?

A. No. I didn't kny w anything about that.

Q. Will you state whether or not prior to the time Mr. Baty became factory manager there was a custom or rule for the operators to take up complaints with their instructors?

A: That was the custom.

Q. Now, after Mr. Baty became factory manager was [fol. 4919] there a change in that custom?

A. Yes, there was.

Q. Where did you go then?

A. To Mr. Baty.

Q. Was Mr. Baty through the plant frequently?

A. . Yes, sir.

Q. Did you ever consider a thread girl a boss?

A. No, sir.

. Q. Did you ever take up complaints with thread girls?

A. No, sir.

Q. What did a thread girl do, as far as you could observe?

A. Well, she brought the thread to and from your machine.

Q. I will ask you to read respondent's exhibit No. 6, which appears at page 4864 in the Circuit Court record, which is an article that appeared in the Kansas City Times of February 26, 1937, entitled "Reopen Garment Feud," and ask you if you recall reading that article.

Q. Do you recall reading that article?

00

A. I do.

Q. Do you recall reading in this article the stafement:

"'Part of 'the union's campaign directed against the Donnelly Garment Workers' Union will be to send six women to cities and towns where its garments are sold, ad-[fol. 4920]—vising retailers and labor organizations,' Perlstein said. 'Miss Palmer will have charge of this squad of fellow-workers.' Do you recall reading that?

A. Yes, sir.

Q. What effect, if any, did that statement have on you?

A. Well, it made me rather angry.

By Mr. Ingraham:

Q. Why did it make you angry?

A. Because it was affecting my job, or would affect my job.

. Q. Do you remember reading this statement:

"'The union claims only 25 members among the Donnelly workers but officials said hundreds of others were related to union members. Within a year we will have it completely organized,' Perlstein said. 'As soon as we have enough members we will call a strike.'"

- Do you remember reading that?

A. Yes.

Q. What effect did that have on you?

A. I didn't think they could call a strike.

Q. Did you later learn, when the strike started at the Gernes plant, that the International would call a strike, even though they had so members?

[fol. 4921] A. Yes, I did.

By Trial Examiner Batten:

Q. You did learn that later; is that right?

A. Yes.

By Mr. Ingraham:

Q. What was the effect of this article, so far as you could observe, on the other employees at the Donnelly plant?

A. Well, the ones that I talked to felt something like I did about it.

Q. Do you recall signing a petition on March 2, 1937, which petition was directed to Mrs. Reed?

A. Yes, sir.

[fol. 4922]. Q. I will hand you I. L. G. W. U. Exhibit No. 10, appearing in the Circuit Court of Appeals record at 5961, and ask you if you recall signing a petition that had the writing on it that appears in this exhibit at the top of the page.

A. Yes, I signed it.

By Mr. Ingraham:

Q. I will ask you to state whether or not the article that appeared in the paper on February 26, 1937, influenced you in any way in signing this petition? Do you want to see that article?

A. No, I think I remember; it was Mr. Perlstein's speech?

Q. Yes.

A: Well, to some extent I would say it did.

Q. Who asked you to sign this petition?

A. Well, it was just passed to my machine by the girl next to me.

Q. Do you know whether or not, or did you know who brought the petition to your section?

A. A girl by the name of Mary Sprofera, I think, and another girl, I don't know what her name was.

Q. Did you have any conversation with those girls?

A. No, I never.

[fol. 4923] Q. Did you have any conversation with anybody about this petition before your signed it?

A. No.

Q. Did you sign this petition of your own free will?

A. I did.

Q. Now, in this petition there is a statement, "and refuse to acknowledge any union labor organization." Do you recall reading that in the petition?

A. Yes, sir.

Q., Did you want Mrs. Reed to know that that was your feelings at the time?

A. Well,—you mean any union organization in the plant?

Q. Well, it said here "and refuse to acknowledge any union labor organization." Will you first explain what you thought that meant?

A. I thought that meant an outside union,

Q. And did you want Mrs. Reed to know that fact

A. Yes, I did.

'Q. And did you at that time think the outside union referred to the I. L. G. W. U.? .

A. Yes, I did.

Now, in this statement it is further stated, "The undersigned wish to make it known we are perfectly happy and contented with our positions which we hold with this organization," and there is another statement, "We are thankful for the real humanitarian interest extended by [fol. 4924] our employer, Mrs. Reed." Did you want Mrs. Reed to know that?

M Yes, sir, I did.

Q. Why did you want her to know that?

A. Because I felt that way about it.

Did the attacks being made by the I. L. G. W. U., which charged that the employees were mistreated, have anything to do with you wanting Mrs. Reed to know that?

To a certain extent I think it did.

Did anyone representing the management ask you to sign this petition?

A. No, sir.

Did anyone representing the management discuss this petition with you?

A. No. sir.

Did you believe this petition was circulated by the Loyalty League?

A. No. sir.

Did you ever hear that this petition was circulated by the Loyalty League?

No, sir, I never did.

I will hand you respondent's exhibit No. 7, which is an article that appeared in the Journal-Post of March 6, 1937, and ask you to read that, please; and that appears at pages 4865, 4866, and '67 of the Circuit Court of Appeals' record.

[fol. 4925] Mr. Ingraham: Do. you recall reading that article? A. Never until now.

By Mr. Ingraham:

Q. Did you hear Mr. Reed make any speeches in the Presidential campaign of 1936 A. I slid not.

Q. Have you heard Mr. Reed make any speeches at all? A. I never did.

Q. Prior to April 27, 1937, did you ever hear that Mr. Reed said many harsh things about Dubinsky in the previous political campaign?

A. . I had heard it just hearsay, people talking.

Q. Did that influence you in any way in voting in favor of joining the Donnelly Garment Workers Union?

A. I couldn't say that it did.

Q. I will hand you Board's Exhibit 27, and ask you if you will read that article which appears in the Kansas City Times of May 11, 1937? Did you read that article in the paper? A. I think I did.

Q. That was on May 11, 1937 1-

A. It was along in there sometime.

[fol. 4926] Q. Did anything that Senator Reed said in that article influence you in any way in remaining a member of the Donnelly Garment Workers' Union?

A. No, sir.

By Mr. Ingraham:

Q. (Continuing) The morning after the article appeared in the paper on the 22nd of April, in connection with Sylvia Hull going to the International convention. Were you at work the following morning?

A. I read the article at work.

Q. Will you state what effect that had on you?

A. It made me rather angry:

Mr. Ingraham: Will you state whether or not you heard any employees state that they did not want to work if Sylvia remained there?

A. Well, there was some talk, but just what they stated, I couldn't say, there was quite a bit of talk, and quite a bit of confusion.

[fol. 4927] . Cross-Examination

Mr. Lane: Mrs. Dean, I'll hand you Board's Exhibit 1. quadruple B, which is an offer of proof by the intervener, Donnelly Garment Workers' Union, appearing at page 3471 of the Circuit Court of Appeals record.

[fol. 4928] By Mr. Lane: I'll call your attention to the seventh page of the signatures to that exhibit, which is page 3480 of the Circuit Court of Appeals record, and especially to the name on the nineteenth line from the top of the first column, and ask you to state whether or not that is your signature.

A. It is

Q. M.s. Dean, state whether or not the meeting of March 18, 1937, was called by the employees on their own initiative. A. Yes, it was.

Q. Do you know of any action or influence or suggestion of the employer brought to bear on you or any other employee, in connection with calling that meeting?

A. No, I do not.

Q. I believe you stated that the meeting had been in session sometime when Mrs. Reed came down to the meeting? A. Yes, sir.

Q. How long was Mrs. Reed there?

A. Oh, I think around ten or fifteen minutes.

Mr. Lane: I'll ask you to state whethe or not Mrs. Reed said that she would not allow members of the International Ladies' Garment Workers' Union to work in the Donnelly Company.

[fol. 4929] A. She did not.

By Mr. Lane:

Q. I'll ask you to state whether or not Mrs. Reed said the I. L. G. W. U. would never be allowed in her plant.

A. I never heard her.

Q. Did Mrs. Reed say that she wanted the names of anyone who joined the I. L. G. W. U. reported to her?

A. I never heard her say that.

Q. Did she say anything that in substance expressed any ideas that she wanted anybody who joined the I. L. G. W. U. reported to her?

Ir. Langsdale: I object to this examination, after having shown the witness the offer of proof, which she signed, having her read it, which contains all of those answers,

and then proceeding to examine her from the document which he has just shown her and which she signed and swore to.

Trial Examiner Batten: You may proceed.

A. What was the question?

(Last question was read by the reporter.)

[fol. 4930] A. I never heard anything to that effect.

By Mr. Ingraham:

Q. I'll ask you to state whether or not-strike that.

You were present throughout the meeting, were you?

A. Yes.

Q. Did you hear everything that Mrs. Reed said, in the talk she made? A. I think I did.

Q. What did Mrs. Reed say with respect to whether the employees could, so far as she was concerned, belong or not belong to any labor organization?

A. As far as she was concerned, we could do as we

pleased.

Q. What did Mrs. Reed say, if anything, with respect to whether she would permit anybody to force her to compel her employees to join any labor organization?

A. She said she would not permit Mr. Dubinsky to force her employees to join any organization against their will.

Q. Do you recall when it was your sister was injured in the strikes at the Gernes plant?

A. I don't recall the date, no.

Q. What month was it?

A. It was in March, I think it was in March.

Q. Do yeu recall when it was with reference to the March 18 meeting?

A. It was after the March 18 meeting, I am sure.

[fol. 4931] Q. But it was in the month of March?

A. Yes.

Q. Was your sister a member of the I. L. G. W. U. at the time those strikes began? A. No, sir.

By Mr. Lane:

Q. How long was your sister away from work because of injuries received there?

A. I don't fust exactly remember, but it was something around four to six weeks, but I don't exactly remember the exact length of time.

Q. Did she go back to work at the Gernes Garment

Company? A. Yes.

Q. Did your sister join the I. L. G. W. U.

A. No, sir.

[fol. 4932] Q. Is she still employed at the Gernes Garment Company? A. Yes, sir.

By Mr. Lane:

Q. Was anything said at the meeting of March 18, with respect to employing buses to haul the employees of the Donnelly Garment Company to and from work?

A. Yes, there was.

[fol. 4933] Q. And was that done any time after March 18? A. Yes.

Q. How soon after?

A. Well, I don't just exactly remember how soon after,

because I never tode one.

Q. Well, now, was the disturbances and the disturbances and disorder and violence connected with those strikes at the Gordon, Gernes, and Missouri plants a matter of common and frequent conversation and discussion among the employees at the plant? A. Yes, they were.

Q. Well, how frequent?

A. Well, almost every day we talked over what happened, what we had heard had happened.

Q. I am asking you to state whether you had any fear that those things might happen at the Donnelly plant?

A. Yes, I did.

Q. What was your observation as to whether or not other employees had the same fear?

. A. Well, the ones I talked to seemed to feel that way,

that something might happen to us.

Q. Did you hear any threats or statements made that the Donnelly plant was next in line?

· . A. Yes, I heard that.

- Q. Where did you hear it?
 [fol. 4934]. A. Well, I read it in the papers, for one thing.
 - Q. Well, where else did you hear it?

A. Well, just general talk.

Q. Did you understand from this interview of Mr. Dubinsky in the Kansas City papers of February 26, that the occurrences at Gordon, Gernes, and Missouri were just a part of a general campaign in which the Donnelly Mant was to be involved?

A. Well, that is what I took it to be.

Q. Was your sister injured at the time she was endeavoring to get to work in the morning? A. Yes, sir.

Q. And at what place?

A. At 26th and Grand, at the Gernes Garment Company.

Q. As she was trying to enter the building?

A. As she was trying to get into the building.

Q. Now, since the question has been asked here, would you mind stating your sister's name? A. No, I don't.

Q. Will you state it, please? A. Anna Keel.

Q. Anna Keel! A. Anna Keel.

Q. How do you spell that last name?

A. K-e-e-1 (Spelling).

Q. What effect, if any, did all of these occurrences [fol. 4935] there have on your action in connection with employing legal counsel at this meeting, or discussing the employment of counsel, at this meeting of March 18?

A. Well, I thought we ought to have some way to protect ourselves against the violence that was going on, and I didn't know how else to do it unless they would get

legal advice.

Q. Did you know who Hobart Atherton was in April '37? A. Well, I did know him about the plant.

Q. What did you observe him doing around the plant?

A. Just one thing and another; I didn't have any particulars or take any particular notice of anything he did.

Q./ Did you, from your observation of him, have any impression that he was a representative of the management? A. Well, I didn't think so, no.

Q. Did you know Sallie Ornsby! A. Yes.

Q. What was shet A. An operator.

Q. Did you have any impression that Sallie Ormsby in March and April of 1937 was a representative of management? A. No, sir.

Q. Or had any right to speak for management in connection with labor matters? A. No, sir.

Q. Now, for the purpose of refreshing your recollec-[fol. 4936] tion, I am going to hand you the minutes of the meeting of April 27, 1937, which is Board's exhibit No. 8-1, beginning on page 4395 of the Circuit Court of Appeals record.

By Mr. Lane: .

Q. What time of day did that meeting occur, Mrs. Dean? A. Around five o'clock, I would say.

Q. Did you attend the meeting in your uniform, or were you in your street clothes?

A. I have forgotten whether I dressed or not.

Q. Did you sometimes go to the Donnelly Garment Workers' Union meetings in uniform?

A. Sometimes I did, and cometimes I changed.

Q. How long did the meeting last?

A. Well, I don't just remember; I think something like an hour, I don't just exactly remember the length of time.

Q. Did your instructor tell you and all of the other, members of your section to stay in a body and go to that meeting together, and come back to your section after it was over and resume work, or did anything of that kind occur? A. Not to my knowledge.

Q. Did you vote at that meeting to form the Donnelly Garment Workers' Union?

[fol. 4937] A. I did.

Q. When you cast that vote were you acting voluntarily?

A. Yes, sir.

Q. Were you doing what you wanted to do, of your own free will? A. Yes, sir.

Q. Were you doing what you wanted to do, of your own

free will? A. Yes, sir.

Q. Did you have the feeling at that time that you were being intimidated by anything the company had said or done, in taking that action?

A. No.

Q. Did you have the feeling in your mind that you were under any pressure or duress or intimidation of the company, or any of the company officials, to take that action? A. No, sir.

Q. Was it your own personal preference to form your own plant union, rather than to belong to some outside union or not have any outside union at all?

A. Well, it was my preference to have a company

union.

Mr. Langsdale: To have what?

A. To have our inside union.

By Mr. Lane:

- Q. Do you have any knowledge of any facts or any instance in which the employer or any representative of [fol. 4938]. The employer has exerted any pressure or intimidation or foercion or any other influence upon you or upon any other employees to join the Donnelly Garment Workers' Union, or to stay out of any other labor organization? A. No.
- Q. Now, as shown by these minutes, at page 4400 of the Circuit Court of Appeals record, a committee of five people was appointed to act as a nominating committee, and those people were Mrs. Riggs, Lyle Jeter, Clyde Crawford, Cordelia Taylor, and Leona Moore. Did you regard any one of those people as being a supervisor of the company, or being entitled to speak for the company in connection with labor matters? A. No, I did not.
 - Q. Did you know Fred Brown? A. Yes, sir.

Q. What was his job?

A. Well, he worked in the cutting, but I don't know what he done.

Q. Did you regard him as a supervisor, or as a representative of management?

[fol. 4939] A. I can't say that I did, no.

By Mr. Lane:

Q. Die you know Mamie Riddle? A. Yes.

Q. What was her position? A. Operator.

Q. Did you regard her as a supervisor or spokesman for the management? A. No, sir, I didn't.

Q. Did you know Anna Richards?

A. No, I didn't know her.

Q. Did you know Mariorie Green?

A. Well, I seen her.

Q. Did you think Marjorie Green was a supervisor of the company, or boss, or representative of management?

A. No, I didn't consider her that.

By Mr. Lane:

Q. Die you know Jack McConaughey? A. Yes.

Q. What was Mr. McConaughey's position? [fol. 4940] A. He worked in the cage.

Q. What do you mean, by that?

A. Well, he took the machine calls.

Q. Will you explain a little more what you mean?

A. Well, whenever a machine breaks down, we turn in a call and he wrote it down on the board.

Q. Did you think Jack McConaughey was a supervisor

of the company? A. No, I didn't.

Q. Or that he was a boss or a person entitled to represent the management in any labor matters?

A. No, I didn't.

Q. Did you know Charlie Casey?

A. No, I do not know him.

By Mr. Lane:

Q. Have you discussed with anyone the matter of forming your own plant union, prior to this meeting of April 27?

[fol. 4941] A. Well, we had talked something of it.

Q. And by "we" you mean who?

A. The girls right around me in my section.

Q. And when did you talk about it?

A. Oh, at various times.

Q. And you said that you saw in the paper that article of April 12, stating that the Wagner Act had been held constitutional? A. Yes, I did.

Q. Well, with reference to that date, was it before or

after?

A. It was after that date, as near as J can remember.

[fol. 4942] Mr. Lane: Q. Mrs. Dean, I think you stated on direct examination that you read the article appearing in the Kansas City Journal-Post on April 22,

1937, entitled "Donnelly workers will be sent to Union convention" down at the plant? A. Yes.

Mr. Lane: Q. Now, in connection with the strikes that were going on at Gordon, Gernes, Missouri, what was your understanding as to whether or not the pickets and those who were conducting the strikes were employees in those plants?

[fol. 4943] A. It was my understanding they wasn't employees of those companies.

By Mr. Lane:

Q. Now, do you recall reading in this Journal-Post article of April 22nd, this portion of the article "Perlstein said the Donnelly committee desired one of their number to appear at the convention and asked the interested body to indorse and support a strike against their employer for failure to negotiate a contract for higher wages, shorter hours and improved conditions." Do you remember reading that part of the article! A. Yes, sir, I do.

Q. When you read that article what was your opinion as to whether the strikes mentioned there was to be a strike only of those employees at Donnelly's who were members of the I. L. G. W. U. or whether it was to be a strike conducted against all employees of the Donnelly [fol. 4944] Garment Company.

A. It was my opinion it was to be against all the employees.

By Trial Witness Batten:

Q. You mean not against the company but against the employees?

A. Against all of us, to keep us from getting in to work.

Q. My question was, you mean it was against the employees, not against the company, is that what you meant?

A. Well, if it would keep the employees from getting in to work wouldn't that be against the company, against the employees?

- Q. I don't know, I was asking you.
- A. That is the way thought it was,

Trial Examiner Batten: It may stand.

Mr. Lane: Q. What did you take this article to mean as to whether Sylvia Hull was going to represent at this convention, or was undertaking to represent at [fol. 4945] this convention, only those employees who were members of the I. L. G. W. U. or whether she was going to undertake to represent all employees?

A. My understanding was she was going to represent all of us.

Q. You mean from reading the article?"

A. From reading the article.

[fol. 4946] By Mr. Lane:

Q. Was this article of April 22nd discussed by you with other employees at the Donnelly plant?

A. Yes, we discussed it.

Q. What was your opinion as to what other employees believed this article to mean from what she said to you in discussing the article with you?

A. Well, the ones I talked to I think felt the same way as I did. She was representing us, the employees.

Q. Mrs. Dean, I will hand you Board's exhibit 8-21 beginning at page 4415 of the Circuit Court of Appeals record, being the minutes of the meeting of Donnelly Garment Workers' Union of May 25, 1937, but before I ask you a question in that connection, did you, after April 27, 1937, attend the meetings of the Donnelly Garment [fol. 4947] Workers' Union regularly! A. Yes, I did.

Q. I will ask you to read those minutes and state whether or not you attended that meeting.

By Mr. Lane:

Q. Did you attend that meeting? A. I did.

Q. Was there ever a meeting of Donnelly Garment Workers' Union that was followed immediately by a meeting of the Loyalty League?

A. Not to my knowledge.

Q. Was there ever a meeting of the Donnelly Garment. Workers' Union preceding immediately by the Loyalty League? A. Not to my knowledge, there wasn't.

Q. Did you, at this meeting of May 25, 1937, of the Donnelly Garment Workers' Union, discuss the matter of raising money for the Loyalty League? A. No.

Q. What time of day did that meeting of May 25th convene?

A. Well, I should say around five, something around there.

Q. Was it after you had concluded your work for the day? A. Yes, sir.

Q. Was there ever a meeting of the Donnelly Garment. Workers' Union in May of 1937 that began at 3:45 P. M.7 [fol. 4948] A. Not to my knowledge.

Q. I will hand you Board stexhibit No. 18-A, beginning at page 4709 of the Circuit Court of Appeals record, and ask you to read that exhibit.

Mr. Reed: Please state that number again.

Mr. Lane: The page number is 4709. These are the minutes that Mrs. Greenhaw said she kept.

Trial Examiner Batten: As long as the witness has testified there never was such a meeting, you want to examine her about the contents of this, is that it?

Mr. Lane: I want to examine her specifically with the statement in those Greenhaw minutes. There was a discussion about raising money for the Loyalty League.

Trial, Examiner Batten: Can't your direct her to that part of it then?

Mr. Lane: Let me look. There may be other questions I want to ask. I think the only way in which I can clearly ask questions is to have the witness read the minutes of both this report of Mrs. Greenhaw of the minutes of that

meeting and also the purported minutes of the Loyalty League which followed.

By Mr. Lane:

Q. Mrs. Dean, at the meeting of the Donnelly Garment Workers' Union which you attended on May 25, 1937, did Rose Todd say "I want to tell you this is going to be two meetings, the first being a meeting of the Donnelly Gar-[fol. 4949] ment Workers' Union and after that a meeting of the Loyalty League."?

· A. I never heard her say that:

Q. Did Hobart Atherton say at that meeting "There seems to be a little misunderstanding as to why the Loyalty League needs this money," and a little later on "I will explain that to you."?

A. I never heard it.

Q. Was there any discussion at this meeting as to raising money for the Loyalty League?

A. No.

Q. Did you ever attend a Loyalty League meeting at, any time at which the matters referred to in Board's exhibit 18-D and following, beginning on page 4712, which you just read in which those matters were discussed. Do you recall reading those minutes?

A. Yes.

Q. Did you ever attend a Loyalty League meeting at which those matters were discussed?

Mr. Langsdale: What matters are you referring to?

 Mr. Lane: I am referring to Circuit Court of Appeals 4712, purported minutes of Loyalty meeting kept by Miss Greenhaw?

A. No I never.

Mr. Lane: That is all. -

By Miss Weyand:

Q. Did you ever attend a Loyalty League meeting at [fol. 4950] which carnivals were discussed?

A. Well, I don't remember.

Q. Did you have a lot of carnivals?

A. I can't say that we did, no.

Q. Did you ever have one?

A. That a Loyalty League -

Q. (Interrupting) Yes.

A. I don't remember the Loyalty League having one. I remember the Athletic Association having some.

Q. · Did the Donnelly Garment Workers' Union have any carnivals?

A. Not that I can remember of.

Q. Did they ever discuss at their meetings having carnivals?

A. No. not that I can remember of.

Q. Did they ever have carnivals and booths at a dance for the Donnelly Garment Workers' Union?

A. Not at any I was at

Q. Did you attend many of the dances given by Donnelly Garment Workers' Union?

A. I don't think I attended but one.

Q. Do you remember which one that was?

A. No, I can't say.

Q. But you did attend the meetings of the Donnelly Garment Workers' Union regularly did you?

[fol. 4951] A. Yes, I did, through that period.

Q. Did you usually leave before the meeting was over or did you usually stay throughout the meeting?

A. I most generally waited until it was dismissed.

Q. Wery you absent from work due to illness or other reasons from the time the Donnelly Garment Workers' Union was formed until July 15, 1939?

A. No.

Q. You worked steadily during that period except for the time you went on your vacation, did you?

A. I think so.

Q. . What time of the year did you take your vacation?

A. Well, most generally in the summer.

Q. Do you remember what month you took it in in 1937?

A. Well, I can't say that I do, No.

Q. What is - was it as early as May?

A. I don't remember.

Q. What do you recalf that was discussed at the meeting of May 25, 1937?

A. Well, we was talking about our union and we was talking about raising money, or trying to raise money so we could pay our attorney's fees to go ahead.

Q. Now, you are talking about the meeting of May 25, 1937, are you?

A. May 25th.

[fol. 4952] Q. How do you remember that meeting?

A. Well, we had raised the \$500 for Mr. Tyler and these other things that come up and we had to have some way to meet them. We had to have counsel, we had to pay him before we could have him.

Q. When you say these other things that came up, what do you refer to?

A. Well, this outside interference and trying to get an

injunction and those things.

Q. When you told Mr. Lane that you did not remember any of the things that were discussed in the pages 4712 through 4718 of the record occurring at any meeting, were you speaking of meetings of the Loyalty League or meetings of the Donnellý Garment Workers' Union?

A. Well, I was speaking of the Donnelly Garment

Workers' Union.

Q. I wonder if you would look over these minutes and specify the things therein you don't recall occurring in any meeting of the Donnelly Garment Workers', beginning the middle of page 4712, which is Board's exhibit 18-D, and continuing through page 4718, which is Board's exhibit 18-J.

A. Now, this is in a union?

Q. You-said you didn't recall those things occurring. Will you notice the things there and state each of the things you did not notice ever occurring at the Donnelly [fol. 4953] Garment Workers' Union?

Mr. Lane: My question was whether or not this witness ever attended a Loyalty League meeting.

Miss Weyard: I have a right to ask this question.

Mr. Lane: You haven't any right to misdirect her attention.

Trial Examiner Batten: Nobody is misdirecting anybody.

Mr. Lane: Miss Weyand asked it, in attempting to repeat my question —

Miss Weyand: (Interrupting) I asked her which she was referring to that she didn't know occurred — she said —

Trial Examiner Batten: (Interrupting) You understand the question?

A. I don't remember Miss Todd saying "That they were several things came up that the Loyalty League will be interested in, mainly about the sweep stakes" I think some of the people understand it and some do not and a great many people have expressed to us a desire."

Mr. Langsdale: Speak a little louder please.

Trial Examiner Batten: Apparently you are reading it to yourself, Mrs. Dean?

A. Yes, sir. I never did hear of any bills that the Loyalty League ever owed. I never heard anything about a committee going to rent the floor of the building for a carnival and the union meeting I never heard anything of [fol. 4954] Loyalty League representatives meeting with the Athletic Association. I don't say by that that they didn't but I never heard of them. I never heard of Miss Todd asking Hobart to explain any indebtedness of the Loyalty League at a union meeting. I never heard him say that we had any indebtedness from any Loyalty League. I never did hear they had a meeting of the Loyalty League representatives and fleey were authorized to obtain legal counsel and I never heard that they retained Mr. Tyler. I never heard him say that this, the bill to Mr. Tyler, was the only debt the Loyalty League had which had not been paid.

Mr. Langsdale: Mr. Examiner — have you been taking these notes and answers, Mr. Reporter?

The Reporter: Yes, sir.

Mr. Langsdale: You looked like your hands were in your pockets.

A. I don't remember of ever hearing anyone say this, "I think it is very unjust and thoughtless for someone to say I just work here. I don't know anything about those bills. As I said at the last meeting we haven't any secrets.

we all work here. It is everybody's business. There is only one person that doesn't work here, that is Mrs. Reed. She owns the business. Don't fee' timid about asking questions, we are just one employed talking to another." I never heard that at a union meeting. I never heard Miss Todd say "The union would have to take care of Mr. Tyler's expenses from now on." In fact I never heard any [fol. 4955] of this said in a union meeting, that I have been reading, if that is what you want to know I can read it clear through from the start but I never heard it in a union meeting.

By Miss Weyand:

Q. I wish you would go on. Would you read out loud the things you didn't hear said at any meeting? Will you continue to do that?

A. I haven't read much I did hear at a union meeting.

Q. I wish you would continue to read out loud what you didn't hear said at any union meeting that appears there so that the reporter can take it down. Do you remember, Mrs. Dean, where you stopped reading out loud?

Mr. Ingraham: I think Miss Weyand wants you to read out loud everything you didn't hear at a union meeting.

A. I don't exactly remember where I stopped.

Mr. Reed: The reporter will find it for you.

(Thereupon last part of witness' testimony, as requested, was read by the reporter.)

Miss Weyand: That is at the bottom of page 4714.

A. "But the Loyalty League, through the officers of the Loyalty League, assumes this responsibility — this retainer free, but as Mr. Atherton said, it was the only organization the employees had and I felt as long as we had that organization we certainly were privileged to go ahead and do something about it. We had to protect ourselves. We are just beginning in this thing so don't let us [fol. 4956] get rusty. If anybody is interested in joining the union you don't want to let me know. If you are interested you had better keep quiet about it. There has never been any force about belonging to the Loyalty League. Anybody is privileged to belong of not belong,

As far as the union is concerned you don't have to belong to that either. I haven't any doubt about a few who have joined the union, I think in time they will give themselves away about that, but we want to be fair and square."

Mr. Lane: Mrs. Dean, will you please read just a little louder, I can't quite hear you?

A. "Lewis moved each member of the Loyalty League pay 50c to take care of any current indebtedness, seconded by Louie James. I think right here in this meeting we will have each representative to accept this money and keep a close check. This is purely voluntary, if you want to do it all right, if you don't want to do it all right. The sweep stakes, or derby as we call it, we will forget it. This meeting right here takes care of the only thing we are concerned about, that is the derby, and that is taken care of. Our dance we talked of in the last meeting, and we will have a pichic one of these days. We have lots of nice times and they haven't cost anything and I am sure yea feel real good about if and so do I. There is one more thing. A great many people haven't carried their iden-[fol. 4957] tification eards. Please bring them, They are getting fussy about us getting in down stairs and I don't blame them. I think we better put it to a vote. All in favor of donating 50c for the Loyalty League indebtedness make it known by the usual sign. Carried. I think one of the boys should come up and tell us what has been done at the picnic grounds. I think everybody would like to know. Will some of the boys come up and tell us what shape the picnic grounds are in, whether we have water or not. While he is coming up I will tell you, last night at our meeting of the Chairman I resigned as President of the Loyalty League and we elected a new President, Thelma Huffaker, in section 411. Fred Brown: The picnic grounds aren't in very good shape right now. We have weeds about knee high and two ovens and three tables now but when the time comes to have a picnic I think we will have another oven or two built and I think we will have to get the boys out and cut those weeds, that is the shape it is right now. Miss Todd: Is there any other business to come before the Loyalty League? If not, you can give your 50c to the representative of your If you want to give a dime at a time that

is all right. Now, I want to introduce Miss Huffaker, your new President. Miss Huffaker: Girls and fellow workers, this is quite an honor to me, to the best of my ability I will carry on the best I know how. Miss Todd: If there is no other rusiness the meeting is adjourned."

[fol. 4958] A. "Mr. Atherton: I don't want this meeting to break up without giving Miss Todd a big hand for what she has done. (Applause.)"

"Miss Todd: I appreciate it very much and I will try to do my best."

"Meeting adjourned."

By Miss Weyand:

Q. Now, it is your testimony you never heard any of those things which you read occur at any meeting of the Donnelly Garment Workers' Union, is that correct?

A. At any meeting of the Donnelly Garment Workers'

Union that I attended.

Q. That was the Donnelly Garment Workers' Union you are speaking of! A. Yes, ma'am.

Trial Examiner Batten: That she attended.

By Miss Weyand:

Q. Do you remember them occurring at any meeting

of the Lovalty League that you attended?

A. Well, several of those things had occurred at Loyalty League meetings, yes. We talked over the picnic grounds and Mr. Brown talked about our picnic grounds.

Q. Do you know when those occurred?

A. Well, I don't just remember, but I think it was along in 1935 or 1936; I don't remember the exact time, but it was at a Loyalty League meeting when we were planning a picnic at Mr. Reed's place out on Reed Road. [fol. 4959] Q. That is Senator Reed's place you are referring to? A. Somewhere out on Réed Road.

Q. That was the Loyalty League meeting?

A. That was the Loyalty League meeting.

Q. Now, when you read the part about paying the retainer fee, and stated that didn't occur at the Donnelly Garment Workers' Union meeting, you meant just in the words there? A. Just that one meeting.

Q. Will you explain what you meant? I don't think I have it clear.

A. As near as I can recall, the meeting of May 25th was the one you were talking about, wasn't it?

Q. Yes.

A. Well, I don't remember of that ever being discussed

at the May 25 meeting. . .

Q. You read certain parts from here, and you said you didn't recall them occurring at any meeting of the Donnelly Garment Workers' Union.

Trial Examiner Batton: Just a minute, that is the difficulty of your question, Miss Weyand. It isn't clear to begin with. I am sure that this witness felt most of the time that what she was saying was that she didn't hear these things mentioned at the May 25 meeting.

Miss Weyand: That is correct.

Trial Examiner Batten: Now you say "not at any union meeting."

[fol. 4960] 'By Miss Weyand:'

Q. When you read them over, you meant at any union meeting, or at the May 25 meeting?

A. At the May 25 meeting or any other union meeting.

Q. That is what I thought you testified to.

Trial Examiner Batten: Well, irrespective of what she testified to, my point was the question in the first instance was not clear, because it wasn't clear to me, but as long as it was clear to the witness, that is sufficient.

Miss Weyand: The record will show I emphasized very clearly what I wanted. I wanted to get her statement out, because she talked in there about the Loyalty League paying a fee.

Trial Examiner Batten: Let's proceed.

Miss Weyand: I wanted to ask her when she made this answer, was it only at a Loyalty League meeting, or at a union meeting? A. I don't get-what you mean.

By Miss Weyand:

Q. Look at page 4715. Do you remember what you read off of that page out loud, as not having remembered occurring at any meeting of the Donnelly Garment Workers Union?

A. Of the Loyalty League, about paying him a retainer fee for \$500.

Q. Now, you skipped certain things on that page. Do

you remember which things you skipped?

A. "I certainly can assure you if we get into court [fol. 4961] with this, as we very likely will, we will probably have to have more money during the year."

.Q. And you heard that made at a meeting of the Don-

nelly Garment Workers' Union, sometime or other?

A. Yes, that was talked of at our meeting sometime or other, but I wouldn't say what meeting.

Q. That is correct. Now, what else we there on there

that you skipped?

A. I think this was one of them, "One of these days we are going to work for a closed shop and I think we are going to get it."

Q. And you had heard that discussed at some meet-

ing of the Donnelly Garment Workers' Union?

A. Prior to May 25?

Q. Any time. A. Yes, we had talked of that.

Q. Do you know at what meeting you had talked of that!

A. Well, we talked of it at several meetings, that we asked for a closed shop before our contract was turned in, I believe that is the way it was.

Q. That is your recollection?.

A. That is my recollection on it.

Q. Did you attend very many meetings of the Loyalty League? A. Well, I did some.

Q. Do you remember any meeting?

[fol. 4962] A. Not any special one, I couldn't say that I do any special Loyalty League meeting. I attended several, though, but I don't bring any special one to

my mind.

Q. When was the first Loyalty League meeting, can

you recall?

A. Well, the first Loyalty League meeting I recall was in 1935, I think, when they joined the organization down there to the plant; the Loyalty League is a social affair—we joined our clubs together, each section had a club.

Mr. Lane: Mr. Examiner, may it be understood the intervener, Donnelly Garment Workers' Union, has a continuing objection to inquiring into matters around 1935.

or Thereabouts? Your ruling was given when the intervener was going into matters except those within a reasonable time prior to April 27, 1937.

Trial Examiner Batten: Well, of course, this question has nothing to do with my ruling, but I'll grant you the continuing objection.

Mr. Lane: Well, she is inquiring of something that occurred in 1935.

Trial Examiner Batten: Yes, concerning the Loyalty League, Mr. Lane.

Mr. Ingraham: At is understood the respondent still maintains its objection to any matters prior to July 5, 1935.

Trial Examiner Batten: I didn't understand it, unless you make it.

Mr. Ingraham: Well, I made an objection at the first [fol. 4963] hearing as to all matters that occurred prior, to July 5, 1935.

Trial Examiner Batten: You mean your original objection in the first hearing?

Mr. Ingraham: That is correct.

Trial Examiner Batten: Well, of course, the objection you made at that time, I assume, continues through the entire hearing.

Mr. Ingraham: Well, that will be my understanding of it.

[fol. 4964] By Miss Weyard:

Q. Did the Loyalty League have representatives in each section? A. Yes, they did.

Q. How were those chosen 1.

A. Well, I think each section chose their own representative, as near as I can remember.

Q. Did each section hold meetings, at which they chose the representative?
[fol. 4965] A. Well, just around through our ection we did.

Q. Did you pass a paper around with the name of

every girl on it?

A. We would pass a box around with the name in it, and find out if they wanted that name, and whichever name got the most votes, was the representative.

Q. That was passed around at your machines?

A. At our machines.

Q. Did the Donnelly Garment Workers' Union have representatives in each section? A. Yes, we did.

Q. How are they chosen?

A. Well, we chose them in the union meetings,—I'll retract that. I don't believe we had a union representative in each section; we had one in the section I was in, but in the other sections I don't know for sure.

By Miss Weyand:

Q. Did the Donnelly Garment Workers Union have a pin! A. Yes.

[fol. 4966] By Miss Weyand:

Q. I hand you the minutes of the meeting of the Donnelly Garment Workers' Union for Wednesday, July 21, 1937, being Board's exhibit No. 8-32, which appears at page 4426 of the Circuit Court of Appeals record—

[fol. 4967] Miss Weyand: (Continuing) And ask you to examine it sufficiently to tell me whether or not you attended that meeting? I might indicate to the witness, to save time, if she has any definite recollection if she was there or not, I only intended to ask her about a matter on the first page.

A. I heard part of this, but I don't remember hearing all of this. It may have been I couldn't say it was or

it was not:

By Trial Examiner Batten:

Well, do you recall being at that meeting, Mrs. Dean?

A. Yes, when some of these things were discussed I recall that meeting.

By Miss Weyand:

Q. You think you attended that meeting?

A. I believe I did:

Q. The thing I was specifically interested in appears on the first page of the minutes there with reference to buying the pins, "If anyone has not paid for their pins, please get in touch with your representative in your department, and take care of this as soon as possible." Could you tell me what presentative Rose Todd referred to there?

A. I judge the representative on our floor there that represented our piece work department, our girl that represented the kind of work we did.

[fol. 4968] Q. How many of those were there in the plant?

A. I don't exactly remember. I know we had one in our section that represented us, but I don't remember about the others.

Q. Who was the person you referred to as representing the under armers? A. Manne Riddle.

Q. And you don't remember who else represented others than the under armers?

A. I don't know that I do, I may have heard it, but I don't remember.

Q. You stated that following the meeting the latter part of March, 1937, a girl was appointed in your section to take our the 50c, is that correct? A. Well, yes.

Q. Do you remember who was appointed?

A: I can't say, no.

Q. Do you remember how she was appointed?

A. Well, I think we just, amongst ourselves, just decided to give it to that girl. There was no ballot taken, we just asked her to take the money.

Q. Do you remember when you got together and asked her to take the money?

A. I think it was after the union meeting that some of our girls were talking about it, I don't remember exactly how it was.

[fol. 4969] Q. And you think it was the same afternoon or evening the union meeting was held?

A. I kind of believe it was, I am not sure about that.

By Miss Weyand:

Q. Do you have any recollection one way or the other, whether it occurred after the meeting or the next day?

A. I can't say. It must have been after the meeting, because the next morning I went to the girl's machine and gave her my money.

. Q. So you knew before work started the next morning and you went to the girl and gave her your money?

A. I don't know whether I knew it in the morning or the night before, when I got home. I don't remember.

Q: Was your section all together after the meeting?

A. I don't believe so.

Q. Have you any way of explaining how you would have a recollection that the girls in your section might have gotten together after the meeting and decided on a girl?

A. Well, as we get off the elevator, we would have to wait to get out the door; we might have been together, some of us, talking, some of us. It might have been in our locker rooms where we change our clothes; I can't say where we talked.

[fol. 4970] Q. Would, all the girls in your section have been together on those occasions?

A. I can't say, I don't know; I don't remember when it was that we chose the girl.

Q. But you did know before you went to work the next morning who the girl was.

A. Before I went to my machine.

Q. And you paid her the 50c? A. Yes, I did.

Q. Did she give you a receipt?

A. I can't say if she did or didn't, I don't remember?

Q. Do you usually keep all those receipts?

A. I do not.

Q. You do not? A. I don't.

Q. What section did you work in in March and April of 1937? A. 415.

Q. That is on the eighth floor? A. Eighth floor.

Q. And who was the instructor of that floor at that time? A. I don't just remember.

Q. What instructor did you have along about the

spring of 1937?

A. Well, Lola Skeens was in there for a while, and Etta Dorsey was there for a while, and I don't just remember; Rose Henricks had that section for a while, but [fol. 4971] whether in that period or not, I couldn't say.

Q. Were you in the same section with Sarah Saucke'

at that time? A. No.

Q. I notice your name appears about 13 names before hers on the Loyalty petition. I wonder if you would look at this Loyalty petition, at page 5965—

Mr. Reed: (Interrupting). For my information are you referring to the Loyalty League, or that paper that was sent to Mrs. Reed?

Miss Weyand: The Loyalty petition, the paper that was taken out to Mrs. Reed, the photographs put in the paper.

The Loyalty petition, the paper that was taken out to Mrs. Reed, the photographs put in the paper.

A. It is March 2.

By Miss Weyand:

Q. Yes, and ask you if you can identify this as your signature! Now, reporter's stamp is right over yours; I have another photostat which doesn't have that stamp over it, which also appears in the record at page 5379, which you might find it easier to identify your signature from. It is in the second column, the one, two, three, four, five, six, seven, eight, ninth signature from the bottom. A. Yes, that is my signature.

Q. You may note it is the same on both pages, but the reporter's stamp is over it on page 5965. And that

[fol. 4972] is your signature? A. Yes.

Q. Can you, by looking at the names, immediately preceding and following yours, tell us which of those girls worked in your section at that time?

A. Yes, Kathryn Chandler is on the end; I worked next to her. Then Jennie Brown worked next to her, and Mary Van Gordon and Lena Richardson.

Mr. Reed: I can't hear you at all.

A. Those (indicating) were the hemmers; I didn't pay much attention to the hemmers.

Mr. Reed: I can't hear you at all.

A. Kathryn Chandler worked on the end and I worked next. Then Jennie Brown, then Mary Van Gordon, Lena Richardson, then Opal Stufflebean and Zella Fisher.

By Miss Weyand:

Q. And those were all in your section?

A. On that side of the row.

Q. Were any of those in the next column in your section? A. They weren't in my section.

Q. Now, are there any names preceding yours, which

you read in that list, which were in your section?

A. I believe the girls over on the other row back of me, in my section—I didn't even know their names.

Q. Those are the girls whose names appear above

yours?

A: I know from this name (indicating) on down to [fol. 4973] here (indicating).

Q. You mean-

- A. (Intersupting) I vam (referring from Kathryn Chandler to Zella Fisher, those girls worked on my side of the row, but about the others, I couldn't say, I wouldn't know them.
- Q. When Mary Sprofera brought this to your section, did she tell you to read it? A. She never gave it to se.

Q. Who gave it to you? A. Kathryn Chandler. Q. And did you hear anyone tell you to read it?

A. No.

Q. Did you read it? A. I did.

Q. How much did you read of this page, before you signed it?

A. Well, I think I read the headlines of it.

Q. Were there signatures already on it when it was handed to you! A. Yes, there was.

Q. Did you read the signatures on it?.

A. No, I didn't.

Q. You didn't look at them at all? A. No, I didn't.

Q. Would you be able to identify some of these signatures for me? The first column on the same page, you [fol. 4974] will notice the signature of Carrie Abrams.—Did you know who she was at that time?

A. Yes, I knew Carrie.

Q. Do you know her very well?

A. At that time I knew her well enough to pass the [fol. 4975] time of day with her, was all, I wasn't any personal friend of hers, I knew her whenever I spoke to her.

[fol. 4976] Q. Did you know Bessie Neimoyer, whose name appears also in the first column?

A. Neimoyer—well, I can't place her.

Q. You don't know whether there is a thread girl or instructor at the Donnelly Garment Company by the name of Bessie Neimoyer?

A: There is a Miss Neimoyer there, but I don't know

what her first name is.

[fol. 4977] By Miss Weyand:

Q. I notice the name "Helen Little", one; two, three, four, five, six, names above yours in the second column on page 5379 of the repord, 5965 of the record, being a loyalty petition. Do you know who Helen Little is?

A. Well, I have seen her down there, I know her when

I see her. .

Q. Is she an operator on the eighth floor or was she at that time? A. No, she is not an operator.

Q. Do you know what her position with the com-

pany was?

A. She had something to do with the notions, but what it was I don't know.

[fol. 4978] Q. Are higher-priced dresses usually made on the eighth floor? A. Yes.

[fol. 4979] Mr. Ingraham: I object to anything that requires an answer that refers to matters after July, 1939.

Trial Examiner Batten: Sustained.

Miss Weyand: We are having eighth floor operators here. I would like to show the difference from the general operators. I think the interest of the witness is

important in the case. We have had all eighth floop operators with possibly one exception. I think I can inquire as to that. I will, however, if the Trial Examiner instructs, limit it to the July 15, 1939. Did you have any understanding prior to July 15, 1939, that girls working on higher priced dresses and located on the eighth floor generally had a higher minimum guarantee than other operators? A. Yes.

Q. Was your sister Anna Keel an operator at the

Gernes plant in March or April, 1937? A. No.

Q. Was she employed by Gernes' as a supervisory employee in March or April of 1937?

A. Just what her position was called I don't know.

Q. Do you know what she did at Gernes? [fol. 4980] A. She had charge of the section on inspecting.

Q. Did the Gernes plant sign a closed-shop contract with the International Ladies' Garment Workers' Union, do you know? A. I don't know anything about that.

Q. Do you know your sister never joined the International Ladies Garment Workers' Union, is that correct?

A. Well, she said she didn't.

(Thereupon, the question was read by the eporter.)

By Miss Weyand:

Q. Is that the sister you were referring to when you said one of your sisters was off four to six weeks from an injury sustained at the Gernes' plant?

A. Which one?

Q. Anna Keel. A. Yes. [fol. 4981] Q. Prior to July 15, 1939, cond you give me any estimate of how long a section worked on a given style on an average before changing to another style?

A. No, I couldn't.

Q. What is the longest period you recall prior to July: 15, 1939, that a section worked on a given style?

A. Well, I don't know much about over in the sections but where I worked we handled all the styles.

Q. All the styles?

A: Most all of hem, on that floor, I was under-arraing

Q. You were not in a section that made a whole dress but the section that did under-arming?

A. Hemming in that ection and under-arming.

Q. I believe you stated you also did pinking? A. Yes.

Q. You used a special machine for pinking and underarming? A. Yes.

[fol. 4983] Q. I hand you Board's Exhibit No. 2 which appears at page 4671 of the Circuit Court of Appeals record and ask you to direct your attention to page 4362 and 4363 thereof, particularly the article crititled "Nine Hundred Join Loyalty League". I will ask you if you ever read that before?

Mr. Ingraham: May the Respondent have a continuing objection to this exhibit?

Trial Examiner Batten: Yes.

Mr. Lane: Intervener desires also to object and to have [fol. 4984] a continuing objection. It is ontside of the scope of the examination permitted us.

[fol. 4988] Cross Examination.

By Mr. Langsdale:

Q. Mrs. Dean, were you here when Mrs. Reed testified?

A. No, I wasn't.

Q. Were you here when Mrs. Holloway testified?

A. Part of her testimony.

Q. What did you say? A. Part of it.

Q. You were here when Mrs. Warth testified?

A. Yes.

Q. You were here when Mrs. Saucke testified? .

A I never heard all of it.

Q. You were here part of it! A. Part of it!

Q. You were here when Mrs. Barnes testified?

A. Yes.

Q. Did you have Lairs at the March 19th meeting?

A. I don't remember whether we did or not, L. don't know.

Q. You don't know whether you stood up or had chairs?

A. It seems to me there was a few chairs, I don't think there was enough, I don't exactly remember whether there was enough or whether there was all chairs.

Q. Did you ever meet in that room before March 18th, any mass meeting? A. I think we did.

[fol. 4989] Q. Did you have chairs?

A. For the Loyalta League meeting we had down there?

Do you know, how the chairs were provided?

A. No, I do not.

Q. Do you know who ordered them? A. I do not.

Q. Or from what company they were ordered?

A. I do not.

Q. You did have a Loyalty League meeting in that room, did you? A. I think we did.

Q. You have no recollection as to whether there were chairs in the March 18th meeting?

A. I believe there were some, I can't say positive now because I don't just exactly remember.

Q. What time of day did you first learn that they were to have a meeting on March 18th?

A. I can't say exactly what time of the day it was

Q. How long before the meeting?

A. I couldn't say that either.

Q. Well, was it just a few minutes before the meeting?

A. I don't know that either.

Q. You don't know the name of the person who told you you were to have a meeting?

· A. I think it was the girls in the section talking around, [fol. 4990] I don't remember how I got word of it.

Q. Was there an I. D. M. passed around?

A. I never seen any.

Q. Well, do you know whether there was one or not?

A. I never seen any.

Q. Well, you have gone to meetings that were announced by an I. D. M. being passed around, have you not? A. For what?

Q. For the Donnelly Garment Company Workers'

Union meetings, for instance?

A. If our Union wanted to have a meeting we announced it sometimes that way.

[fol. 4991] Q. At any fate, you did have these notices with the letters I. D. M. on them passed around at times?

A. I didn't say the I. D. M. was on the notice that was passed around of the union meeting.

Do you know whether they were or not?

I don't think they were.

Q: Have you any recollection one way or another?

Well, the girls had a habit of going up and getting

the paper when they wanted it.

I am not asking that, it may be that is true, have you any recollection as to whether or not the piece of paper known as an "I. D. M." was passed around announcing this meeting of March 18th?

Not to my knowledge, no.

What about the meeting of April 27th?

- I can't remember anything being passed around about the meeting.
- Q. You do remember that some of the union meetings were called by passing around I. D. M. notices?

A. I didn't say I. D. M. notices.

Q. Your sister, Anna Keel, is an instructor [fol. 4993] in Gernes' is she not? .

What her position is called in Gernes' I don't know.

Q. Did you ever hear her say it?

I never asked her. A.

Would she tell you will out her asking?

.No, she never said.

Did you ask her about this time she got hurt in the strike?

A: I heard she had charge of the inspecting [fol. 4994] department but was called off there; I don't know.

Q. Did you hear her say she was an instructor?

A. I didn't get that.

Q. Don't you know she is an instructor?

A. I don't know yet.

Q. Don't you know that is the reason she doesn't belong to the I. L. G. W. U., because they don't belong in the Gernes' place. X. I did hear that, yes.

.Q. You have another sister there who does belong to

the t. U. ?

A. I have one there, yes.

Q. What is her name? A. Do I have to tell that?

Q. Of course, you are not telling us any secrets. I want it in the record? What is her name?

By Trial Examiner Batten:

Q. Well, there any reason why you shouldn't tell as?

A. She belongs to the union. " .

Q. Well, I say, is there any reason why you shouldn't tell us. A. Not that I know of.

Q. Tell us. A: Ethel McPherson.

[fol. 4995] By Mr. Langsdale:

Q. Is she a married woman? A. Yes, sir.

Q. And so is Mrs. Keel? A. Yes, sir.

Q. And so are you? A. Yes.

Q. What does your sister, Mrs. McPherson, do at Gernes' place?

A. I couldn't tell you her duties, I don't know them.

Q. Is she an operator?

A. I couldn't tell you, I don't know.

[fol. 4999] Q. Did Miss Todd say this at the meeting at which the fifty cents was voted: "You can give your fifty cents to the representative in your department. If you want to give a dime at a time that is all right."

A. I didn't remember ever hearing her say that.

Q. You didn't hear her say "give the fifty cents to the representative in your department"?

A. What representative?

[fol. 5000] Q. Well, the representative? A. Of what? Q. I am asking if she said "give it to the representa-

·tive"?

A. Give it to some girl who we picked to take the

money?

Q. Did she tell you—did you understand her to mean to give it to the Loyalty League representative?

A. No, I didn't.

Q. The fifty cents? A. No, I didn't.

[fol. 5003] By Mr. Langsdale:

Now, you read the article or looked at it that was published in the Kansas City Times or Star of April 12, 1937, containing the account of the Supreme Court of the United States' ruling that the Wagner Act was constituted [fol. 5004] tional, did you not? A. Yes, I think so.

Q. Now, I believe you stated that from reading that article you concluded you had a right to form a plant union! A. I didn't say a plant union.

Q. Well, a union?

A. A union, that was my impression, I didn't have no legal—

Q. From reading the article in the April 12th paper?

A. Well, from reading the article on the Wagner Act, that was my impression, that if we wanted one we could. I didn't know for sure.

Q. Can you tell me now what you read in that paper to cause you to conclude that you could form a union?

A. I don't know that I can right off hand.

Q. Could you look at the article again and tell us, you think? A. I might.

[fol. 5005] By Mr. Langsdale:

2Q. I don't want you to take the time to read this whole article. If you can glance at it and see what there is there that teld you, as a layman I might say, not as a lawyer, what there was about the article that told you you could form a union—

A. Why, here is one paragraph that I think-

Q. (Interrupting): What?

A. Employees have a right to organize and select their representatives for lawful purposes as the respondent steel company has/to organize and select its own officers and agents.

Q. Now, is that what caused you to think-

A. (Interrupting) I wouldn't say that was all of it, but I think that was a part of it.

Q. That that gave you the right to form a union?

A. I wasn't real sure.

Q. Didn't you know that long before the Wagner Act, you had a right to form a union of your own in that

plant? A. Well, I never had thought about it.

Q. Now, let me ask you if this is not what you got from the Wagner Act, not from your reading it, but from what others told you, that for the first time in the law of the [fol. 5006] United States, if you had a plant union or a union within your shop and got a closed shop agreement, that every woman had to belong to it or could be fired?

A. You mean that somebody told me that?

Q. Yes. A. I never heard anybody.

Q. You never heard of a closed shop agreement?

A. Not up to that time, no.

[fol. 5007]. By Mr. Langsdale:

Q. Did you know or did you learn that at that time, if you should form a plant union, get a closed shop agreement, that everyone would have to belong to that union.

A. You mean at the time I read that Act?

Q. Yes. A. April 12!

Q. Yes.

A. Well, I couldn't say that I remember just when.

Q. Did you learn it at the time you voted on the 27th of April to form that plant union, that when you got a closed shop you could keep the I. L. G. W. U. out by firing everybody who joined it?

A. Well, I understood if we had a closed shop that we could keep other unions out, but I didn't hear anything

about firing anybody.

Q. Well, of course—did you know that your contract provides that anyone who belongs to any other union must be fired?

[fol. 5008] Trial Examiner Batten: Well, of course, I don't see it is particularly material to go any further into this matter.

Mr. Langsdale: I am trying to find out what this article of April 12 really told her.

Trial Examiner Batten: Well, is that your only purpose in these questions?

Mr. Langsdale: I am trying-

Trial Examiner Batten (Interrupting): My question to you is, is that the only purpose of these questions to the witness, to find out what she found out about the Wagner Act from reading this article?

Mr. Langsdale: Yes, that is it.

Trial Examiner Batten: Well, if that is your only purpose, you may proceed.

Mr. Reed: I submit she has already answered that direct question, which was asked, what, in the article, called her attention to where there was anything that had to do with the Wagner Act that would show her that they could organize under the Wagner Act. She took the article and read from the article; and she was directed to answer that question.

Mr. Langsdale: That is what you think is a direct answer.

Trial Examiner Batten: You may proceed, Mr. Langs-dale.

By Mr. Langsdale:

- Q. But Yam now asking another question. Did you learn from the Wagner Act that forming a plant union [fol. 5009] and getting a closed shop you could keep the L.L. G. W. U. out by refusing to let any employee belong to it?
- A. You mean did I learn that by reading the Wagner'
 - Q. Yes.
 - A. Well, I can't say that I did.
 - Q. Or reading anything about the Wagner Act?
- A. I can't say whether-
 - Q. (Interrupting): Well,-

Trial Examiner Batton (Interrupting): Just a minute, Mr. Langsdale; permit the witness to finish.

Q. (By Mr. Langsdale): Did you have anything else to any?

Trial Examiner Batten: Just a moment. Go back to that question and read it, and the answer thus far.

(Thereupon the question requested and answer thus far, were read by the reporter, as follows:

"Q. Or reading anything about the Wagner Act?

"X. I can't say whether -")

Trial Examiner Batten: Now, Mrs. Dean, will you finish your answer, please?

A. I can't say whether I got my impression all from that, because I didn't understand it all, but I did get the impression that we could have a company union and or-

ganization of our own, it we wanted it, but I didn't know how to go about it.

Mr. Ingraham: I called the plant union a company [fol. 5010], union; I didn't think there was anything wrong with it.

Mr. Lane J want to clear my position-

Trial Examiner Batten (Interrupting): What position?

Mr. Lane: In connection with the objection I made a while age

Mr. Lane: I am making it again in connection with this question just asked.

Trial Examiner Batten: Of course, if the question is asked and answered, then an objection is not proper at this time, is it?

Mr. Lane: You have been interrogating the witness, yourself, so I didn't have an opportunity to make the objection. Now, my objection is, to the question Mr. Langsdale asked, the last portion of it, with respect to keeping—to preventing any employees from joining the I. L. G. W. U.—now, that is not a provision of the Wagne. Act, and I submit counsel should not be permitted to ask that question, that if they get a closed shop they have a right to require all the employees to belong to that union, and the Wagner Act doesn't provide that every employee shall stay out of the I. L. G. W. U.

Mr. Langsdale: Well, I say, Mr. Lane ought to go and read the Wagner Act, and read some of the decisions.

Trial Examiner Batten: Well, if that is an objection, it is overruled, because the question has been put and the [fol. 5011] answer is in the record. So, you proceed, Mr. Langsdale.

Mr. Langsdale: Q. Mrs. Dean, there was a meeting of the Donnelly Garment Workers' Union on May 11, 1937; as far as the record shows that was the first meeting after the organization meeting, April 27. Did you attend that meeting?

A Well, I attended all of those union meetings, along at that time.

Mr. Langsdale: Q. Let me ask you if you heard this question asked of Rose Todd, and this answer being given by her: "Question: If an employee comes in are you going to set a time before they have to become a member of the union?

"Answer: Anybody poming to work for us will join the union immediately; if there is any doubt in their minds about whether they want to join our union then there is some doubt in their mind as to whether they want to work here." Did you hear that question and answer?

A. I don't remember anything like that. I don't remember reading much about that.

[fol. 5012] Q. Do you remember the substance of that answer at that meeting! A. No. I can't say that I do.

Q. Let me let you look at the photostatic copy of this meeting, Mrs. Dean—which starts away over here—you don't have to read any more of it than you think you need. Here is the page upon which it occurs, and here is the question and answer (indicating).

A. I'don't remember anything about that, much. This

meeting was when? .

Q. May 11, that is the first meeting after the organization meeting in 1937.

'A. I can't say that I remember that.

Q. You did go to the meeting, did you?

A. Well, I went to meetings of the union along then, but I can't exactly remember these statements made here.

Q. Well, did you ever hear Rose Todd say at any place or time that anyone who wants to work for the Bonnelly Company would join the union immediately?

A. I can't say that I did, no.

Q. Do you know of any authority given to her by anyone connected with the management, to tell the people at this meeting that "anybody coming to work for us will join the union immediately"? A. No, I don't.

[fol. 5013] Q. "If there is any doubt in their minds about whether or not they want to join our union then there is some doubt as to whether or not they want to work here"?

A. I don't remember anything of that sort.

Q. You never heard her say that?

A. I couldn't say that I did.

Q. Did you ever hear that anyone had given her auth-

ority to say that?

A. No, I never. I thought our contract gave them a month's time to work there, that has always been my understanding.

By Mr. Langsdale:

Q. I don't just understand that, Mrs. Dean; that contract gave who?

A. Anybody who came to work, a month's time before

they made up their mind to become one of us.

Q. I am talking about May 11, 1937. You didn't have any contract then, Mrs. Dean, not until May 27.

A. I don't remember about that meeting.

Q. Do you remember it was May 27 when you got your contract?

A. I know it was along in there sometime, but I can't say the exact date.

Q. Well, don't you know it was after May 11?

· A. I couldn't say that.

[fol. 5019] By Mr. Langsdale: -

Q. In answer to one of Mr. Ingraham's questions, or Mr. Lane's question, I forget which one, that it was your [fol. 5020] understanding that Rose Todd was not representing the employer? A. Was not what?

.Q. Representing the management & was not a super-

Sisor at any time prior to July 15, 19391

A. Well, to my knowledge, not that I ever know of. I don't know exactly what her duties were.

Q. What did you base your understanding on? Just that she was not a representative of the management?

A. Well, I seen her around over the company. When I first knew her she worked, I believe, in the button section, I believe that was. I am not sure on a machine. After that I seen her around over the factory. One place match-

ing threads and matching@material and hunting dresses up out of bundles that was lost. That is all I ever seen her doing.

Q. So it is what you knew she was doing caused you to arrive at the understanding she was not a representative of the management?

A. Well, I wouldn't call her that.

Q. Well, at any rate, it is what you knew she was doing that caused you to have that understanding, was 1. A. Yes.

Q. Now, I believe you stated yesterday that you didn't know at that meeting of May 11, 1937, of the Donnelly Garment Workers' Union, she had said anyone coming to [fol. 5021] work for us would join the union immediately?

A: I don't remember hearing Rose ever say that. I don't say she didn't say it.

By Mr. Langsdale:

Q. (Interrupting) Did you know Rose Todd had gone to St. Joseph, Missouri, on May 13, 1937, to organize into the Donnelly Garment Workers' Union the employees [fol. 5022] of the Donnelly Garment Company in that plant? A. No, I did not.

Q. Then, did you ever hear that at that meeting, on May 13, 1937, Rose Todd had said that to those assembled employees of the Donnelly Garment Company "The question was asked how much time will be allowed before definitely stating whether or not you will join the union. I think if you are interested in working for the company you will be interested enough to join the plant union."

Mr. Ingraham: Just a minute. Will you read the question? I object to this. She didn't know Rose had gone to St/ Joe and obviously colldn't have known anything Rose stated. It calls for hearsay testimony.

Trial Examiner Batten: Of course, this is with reference to a meeting of May 11th, is it?

Mo Ingraham: No, the 13th, isn't it?

Mr. Langsdale: It is on May 13th, 1937, in St. Joseph, Missouri.

Trial Examiner Batten: Well, of course, the witness said she didn't even know Rose Todd went there. How could she possibly know what Rose Todd said in St. Joe?

Mr. Langsdale: If the Examiner please, it is perfectly harmonious with my question: "When you arrived at your conclusion that Rose Todd was not a representative of the management, did you know this: that this, that and the other-"which to my mind indicates that she was a rep-[fol. 5023] resentative of the management? Now, when she comes forward and says she didn't know she was a representative of the management I think I have a right to inquire whether she knew she did this, that or the other. If she had set out here to form this union I think I would have a right to ask her, if in coming to her own conclusion that Rose Todd was not a representative of the management. If she knew that. What I want to show-that the information is sufficient to come to a conclusion as to whether she was there as a representative of the management or not.

Trial Examiner Batten: Well of course, it is obvious that it didn't include that fact because she didn't even know she went to St. Joseph.

Mr. Langsdale: I know it is. I think it is proper for me to call attention to it when I am interrogating her about what information she had to form any conclusion as to whether or not Rose Todd was a member of it.

Trial Examiner Batten: Well, it might be, Mr. Langsdale, if there were a preliminary question to indicate whether or not the witness knew, anything that Rose Todd said or did in St. Joseph but having said that she didn't even know she went there it doesn't seem to me it is entirely proper.

Mr. Langsdale: I think I could probably avoid the difficulty you seem to think that I am in my not saying any-[fol. 5024] thing about her, asking her whether she knew about the St. Joseph meeting or not and merely asking if she knew she said this in St. Joseph.

Trial Examiner Batten: That is a matter, I presume, for you to determine how you shall ask your questions.

Mr. Langsdale: That shows the way I am asking it is all right. Of course I will abide by your ruling.

Trial Examiner Batten: I have indicated I don't think it is.

Mr. Langsdale: I think when this witness said Rose Todd was not a representative of the management I have a right of to call attention—her attention, to things that Rose Todd did that would reasonably point to the fact that she was a representative of the management. That is my purpose.

Trial Examiner Batten: You may proceed.

Mr. Langsdale: Will you read the last question?

Trial Examiner Batten: I am not going to permit the witness to answer the question.

Mr. Langsdale: You said to proceed.

Trial Examiner Batten: I think I indicated I didn't think it was proper.

Mr. Langsdale: I don't want to leave that point without making my purpose perfectly clear to the Examiner. Here they bring along a number of witnesses who say that in their judgment Rose Todd was not a representative of the [fol. 5025] management. Now, I have a right to inquire what they knew about Rose Todd that caused them to form that conclusion and I have a right to say to these people "Rose Todd did so and so. Did you know that when you formed the conclusion she wasn't representing the management." That is my theory, I think it is a proper theory. Do you still adhere to your ruling in the matter?

Trial Examiner Batten: I haven't changed it, Mr. Langsdale.

Mr. Langsdale: Well, I am not a mind reader, I couldn't tell.

Trial Examiner Batten: I didn't understand that you were.

Mr. Langsdale: I thought you might indicate a change.

By Mr. Langsdale:

Q. Let me ask you, when you formed your conclusion that Rose Todd was not a representative of the manage-

ment you knew that in the office of the management on the 23rd day of April, 1937, in the presence of Mr. Baty, the factory manager, and Ella Mae Hyde, the personnel manager, Rose Todd had said to Fern Sigler, "We are going to run an open shop as long as the majority feels that way, the majority is going to rule as always." Did you hear her say that? A. Did I hear her say that?

Q. Yes. A. No.

Q. Did you hear she had said it? A. No, sir. [fol. 5026] Q. Then that conversation had nothing to do with you forming your opinion she was not a representative of the management?

Mr. Reed: Manifestly, if she didn't hear it.

Trial Examiner Batten: She answered and said "no".

A. No.

Trial Examiner Batten: Do you want the answer stricken in view of this, Mr. Reed?

Mr. Reed: Oh, no, it isn't important. I didn't know it was going to be answered so quickly.

By Mr. Langsdale:

Q. May I ask you if, when you formed your opinion that Rose Todd was not a representative of the management you knew that on the 23rd day of April, 1937, in the presence of Mr. Baty, the factory manager and Ella Mae Hyde, the personnel manager, Rose Todd had said to Fern Sigler, with reference to the demonstration on that day at Fern Sigler's machine, "We went down stairs and sent those girls back to work and they went back to work." Did you know that? A. If I heard it?

Q. Did you know she said that? A. No.

Tvial Examiner Batten: You will have to speak up, Mrs. Dean.

[fol. 5027] A. No, I didn't.

By Mr. Langsdale:

Q. Let me ask you, when you formed your opinion that Rose Todd was not a representative of the management did you know that Rose Todd on the 23rd day of April, 1937, in the office of the management and in the presence of Lee Baty, the factory manager, and Ella Mae Hyde,

the personnel manager, Rose Todd had said to Fern Sigler, "If you want to go home, all right, nobody is going to do any violence against you, you got yourself in it and you can stay in it or get out if you want to get out." Did you know she had said that?

A. I didn't even know she had ever talked to Fern

Sigler. I don't know Fern Sigler.

Q. You stated that the Loyalty League was purely a social organization, did you not? A. Yes.

Q. Did you know that it had been formed for the purpose of resisting the activities of Mr. Dubinsky and his crowd? A. No, sir, I didn't.

Q. I think you, yesterday, and this article that appeared in the Kansas City Times on May 11,01937, marked Board's exhibit 27?

A. I think I read that yesterday.

Q. Do you recall this portion under the heading "Formed their own union"?

[fol. 5028] A. This part here?

Q. Right here, Mrs. Dean (Indicating).

Mr. Reed: What is that article from?

Mr. Langsdale: From the Kansas City Times of May 11th.

A. I remember reading that yesterday.

By Mr. Langsdale:

, Q. Didn't you say you had read the article when it

appeared? A: No, I don't think I did.

Q. Well, I will ask you now if you read the article of May 11th, 1937, in the Kansas/City Times, the one that I have just shown you and which is marked Board's exhibit 37, at or about the time it appeared in the paper of May 11, 1937? A. I can't say that I did.

Q. When you had-the meeting of April 27th, at which

the union was formed, did you have chairs?

A. Well, I don't remember whether we had a lot of chairs or not. It seems like there was a few. I don't remember whether there was a lot of chairs or not.

Q. Did you know that the Loyalty League had paid for the rental of such chairs as were there on April 27, 2937? A. I didn't know anything about it.

Q. You didn't know that? A. No.

- Q. You stated that the petition which you signed on March 2, 1937, which stated that you didn't want to acknowledge any outside union, you understood that to mean [fol. 5029] the International Ladies' Garmen Workers' Union? A. That is what I took it to be.
- Q. Did you see any part of the occurrence around Sylvia Hull's machine on April 23, 1937? A. Yes, I did.

Q. What floor was Sylvia Hull working on?

A. The eighth floor.

Q. What floor were you working on?

A The eighth floor.

Q. Were you in the crowd that was around Sylvia Hull? [fol. 5030] A. I walked up the aisle past her.

[fol. 5031] Jessie Mudd, a witness called by and on behalf of the respondent, being first duly eworn, was examined and testified as follows:

Direct Examination.

By Mr. Ingraham:

Q. Will you please state your name!

A. Jessie Mudd.

Q. Where do you live, Mrs. Mudd?

A. At 7846 Pennsylvania.

By Mr: Ingraham:

Q. Are you employed? A. Yes, I am.

Q. Where? A. Donnelly Garment Company.

Q. How long have you been employed at the Donnelly Garment Company?

[fol. 5032] A. For about—it was 11 years ago last

March.

Q. When you went to work for the Donnelly Company, in what capacity were you employed?

A. I was hired in the pressing department.

). Pressing department! A. Yes, sir:

Q. How long did you work in the pressing department?

A. I worked in the pressing department about oh, perhaps 31/2 years.

Q. What did you do there?

A. Well, the first few days there I pressed, and then after that I did floor work in the pressing department.

Q. Well, what did that consist of?

A. Well, it was buttoning up the dresses and getting them ready to be belted after they were pressed, putting belts in them and matching them with the dresses, and any buttons that had to be put on, in the operation of them, pinned them on and tied the bows.

Q. After you worked in the pressing department, where

did you go? A. I inspected.

Q. And how long did you inspect, if you recall?

-A. I believe for about a year and a half, maybe 2 years; I don't remember exactly.

Q. Well; can you briefly state where you worked in the [fol. 5033]. Donnelly plant, up and until July, 1939?

A. Then after I left the inspection department, I was put on as a thread girl and worked in section 415 on the eighth floor for a while, and then I believe I worked on the seventh floor after that, in section 517, and then I was later transferred to section 519.

Q. As a tyread girl?

A Yes; and then in between there, during one season I went back and inspected for a few days when we were stacked up with inspecting, but I was a thread girl from the time I was put on the floor in that capacity, only just a few times I did help on inspecting, when they got stacked up.

By Mr. Ingraham:

Operator? Did you work any length of time as a sewing

A. I don't believe before 1939 I did. There was, one fall, that I worked on the machine for just—working on some—well, I was working on returns, just repairing them, for a short time, but it was just repairs, fixing belt loops and small things like that, that anyone could fix.

[fol. 5034] Q. You never worked on any special ma-

chines in sewing? A. No.

Q. Now, will you state what you did as a thread girlor floor girl?

Mr. Ingraham: (Interrupting) Q. Are those terms

used interchangeably?

A. Yes, they are one and the same. I think some of the girls might refer to me as a floor girl, and others a thread girl.

By Mr. Ingraham:

as a floor girl. Were there any other duties that you performed besides the ones that you have mentioned?

A. Welt, yes, while I was in there I did work on the—
[fol. 5035] flow, that floor work down there is piece work,
and at times I did time work; and that was after I was
there quite a while, and then I took care of damaged
dresses, and looked over the repairs. The damaged dresses
are what the pressers would keep out of the bundles, maybe a fault in them, and they were all folded and put in
a separate box, and I used to look over them and make
out an order on them.

They were sent to the store. It was just to keep track of them, and then I used to look over the returns sent back to the pressing department; some of them were dresses and just odds and ends of things like that.

Q. Now, did you have any authority to give any instructions to other employees in the pressing department?

A. Oh, no, none whatsoever.

Q. Now, you stated that you worked in the sewing section on the floor. What did you do in that capacity?

A. Well, whenever the operators needed anything like thread or any belt loops or shoulder tapes or waist tapes to go with that work, I would take them the right ones, and the work sent to the section by the notion department, the supplies necessary to go out, and I have to know that the notions are there—there is always a requisition that accompanies them showing what threads have to be used

on what colors, and then I put that thread away in the cabinets that they have there, and mark it, so when it is needed to be given out; I give it out without any delay; [fol. 5036] and if there is any certain kinds of shades of threads needed, I go down to the notion department and see whether that thread has been O. K.'d and whether it is the right thread—well, if a girl needs binding I take that to them, and I also call the notion department if there are any supplies needed.

Q. Are there shades of thread of the same color that would go on the different dresses that are of different

shades?

A. It might be, if there is some special work on the dresses. For instance, some tucks or darts stitched on the outside, it might be we have one thread that would be used there, and a trim or maybe it would be a contrasting thread, and there might be other dresses with thread that matches the dress.

Q. Well, is it your job, then, to see the right color of

thread is given to the operator?

. A. Yes, that is my responsibility, to see that the right thread is given to the operators.

Q. Do you have any directing authority over the operators A. No.

Q. Do you have any authority of any kind?

A. No, none whatsoever.

Q. Are you consulted at any time about what operators should be employed or laid off? A. No.

Q. "Have you ever, at any time, had anything to do with.

[fol. 5037] that particular thing. A. No, never.

Q. Were you working at the plant in the months of March and April, 1937! A. Yes, I was.

Q. Do you remember the Dounelly Garment Workers' Union? A. Yes, I do.

Q. Do you recall when you joined the union?

A. I joined the union when it was formed.

Q. Do you recall what date it was, approximately?

A. It was April, the latter part of April, 1937.

Q Did you join the Donnelly Garment Workers' Union of your own free will? A. Yes, I did.

Q. Did anybody representing the management discuss with you the formation of the Donnelly Garment Workers' Union? A. No.

Q. Did anyone representing the management make any suggestions about holding a meeting for the purpose of organizing the plant union? A. Not that I know of.

Q. Now, prior to the time of the formation of the plant union, had you read in the Kansas City newspapers any thing in connection with strikes in other garment plants?

A. Yes, I had.

[fol. 5038] Q. I will hand you respondent's exhibits 16 and 18 through 38, and ask you if you will name the articles that you recall reading in the Kansas City Press.

A. I remember exhibit No. 16, and also 18. No. 19, I am not sure whether I read it at the time, or I just heard it discussed. I believe I read exhibit 20.

A. Exhibit 25, I read it at home.

By Trial Examiner Batten:

Q. Well, do you mean then-how about the interven-

ing ones?.

A. These other ones were in the Journal, I didn't read them at the time. The ones I named I have read. The others, I might have heard about them at the time but I don't remember reading them.

Q. Well then, I would suggest, Mrs. Mudd, that on each one you indicate as you go along whether you read it or you didn't rend it, or whether you heard about it. Don't skip any of them. You are now on 26, are you?

A. Yes. I read exhibit 26 at the time, I think; and exhibit 27, I read that at the time. No. 28, I read that; [fol. 5039] and exhibit 29 and exhibit 30, I read them; and exhibit 31, I saw that at the time.

A: I den't believe I read 32; exhibit 33, I am not sure whether I read it or heard it talked out at work. I don't remember reading exhibit 34. I read exhibit 35 the next morning after it appeared. I read exhibit 36 and also 37,—that is exhibit 21 (indicating).

A. And exhibit 38, I read that.

By Mr. 4ngraham:

Q. I believe you stated that there were some exhibits you do not recall whether you read them or they were discussed at the plant. What do you mean by that, Mrs. Mudd?

A. Well, at the time—I don't believe we bought the Journal regularly, I don't believe we had it delivered at home; I bought it occasionally when I would be going home, transferring from one street car to another; but some of them I read then, but as to all the Journal articles, [fel. 5040] I don't believe I read all of them, but as a general thing, we did talk over just about everything that appeared in the paper in connection with the union and the strikes that were then occurring in town.

Q. Well, who talked it over?

A. The girls who worked in the section.

Q. Now, what effect did the reading of the articles

have upon you?

A. Well in regard to the union strikes and violence that were going on at the time, I thought they were rather disgusting, to be referred to as—the garment workers, as having them, and I knew all the garment workers were not having them; from the understanding I had it was quite a few professional pickets that were causing these disturbances, and it made the people think the garment workers were not a very upstanding kind of people; I had always been proud of where I worked, and I still am, and I didn't want them to think we were working under such conditions that we needed someone who didn't know about our work to come in and protect us; we didn't need that kind of protection, only against them.

Q. Did you have any personal knowledge of the violence

that was going on at the other plants?

A. Just what I read in the newspapers.

Q. What effect, if any, that you could observe, did the articles that appeared in the press have on other em-

[fol. 5041] ployees at the plant?

A. They were all pretty well upset and disgusted; they didn't know whether to feel afraid to go to the street car line by themselves or not, whether to have someone to go with them to see they got there, and got to work on time. It seemed at that time if you started ont, you didn't get to where you intended to go without being molested.

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Q. What do you mean by molested?

A. Well, from what we had read in the paper, some of those girls that attempted to go to work were waylaid before they got there, and before they got home they were apt to be chased and injured.

Q. Did that have anything to do with you woting in favor of the organization of the Donnelly Garment Work-

ers' Union! A. Yes, ff did.

Q. Will you state why you voted in favor of organiz-

ing a plant union?

A. Well, at that time it seemed as if a union of some sort had to be formed, in order to have the legal protection that we needed to keep from having to join up with the International, for instance.

Q. Did you object to joining the International?

A. Yes, I did. I didn't want to be classed as I didn't fel like they had anything to offer me, and I didn't want my name amongst ones picketing some other firm that I [fol. 5042], didn't have any grievance against.

Q. Now, at the meeting that you have referred to, of April 27, when the plant union was formed, will you state

when that meeting occurred?

A. That meeting was after working hours.

Q. . Will you state where it occurred?

A. It was down on one of the lower floors, the second or third floor; I know it was a vacant floor.

Q. Did anyone representing the management request

you to go to that meeting! A. No, they didn't.

Q. Did anyone representing the management suggest that you would be penalized if you didn't go to the meeting! A. No.

Q. Did anyone representing the management suggest that you would be penalized if you didn't vote to formed plant union? A. No.

Q. Did the instructor in the section where you were

working direct you to go to the meeting?

A. No, she didn't

Q. Did you direct anybody to go to the meeting, your-self?

A. No. I didn't. I might have talked with a group of girls that said they were going, and I went with them.

Q. Do you recall how you learned that the meeting was going to be held?

[fol. 5043] A. Someone in the ection told me about it.

Q. Was the meeting of April 27 a Loyalty League meeting?

A. No.

- Q. Did you think that the Loyalty League was promoting the formation of the Donnelly Garment Workers' Union!
- A. No, I didn't think it had anything to do with it right then.
- Q. Did you ever have any suggestion made to you by anyone that the Loyalty League was a forerunner of the Donnelly Garment Workers' Union?

A. No, I never had that understanding.

Q. Did anyone whom you considered a boss attend that meeting?

A. No, they did not.

Q. 'Was there anything said or done by anyone that led you to believe that the management was in favor of the formation of the Donnelly Garment Workers' Union?

A. I never heard anything said to that effect.

Q. I believe you stated that you read the article in the paper or heard it discussed at the plant, that Sylvia Hull was going to a convention of the I. L. G. W. to request support for a strike at the Donnelly plant?

A. Yes, I remember that.

Trial Examiner Batten: Will you just speak a little fouder, Mrs. Mudd, please, so we can all hear you?

[fol. 5044]. By Mr. Ingraham:

- Q. Did that have anything to do with you favoring the formation of the Donnelly Garmen Workers' Union?
 - A. Yes, it did.

Q. Why was that?

A. Well, I felt like if the International was going to appoint someone or have someone appointed in the plant to represent the girls, and the girls not even know anything about it, I thought it was about time for us to take steps in some manner so we could protect ourselves, and keep away from someone representing us or knowing anything about what we had to do with it.

Q: Will you state whether of not the fact that support

of strike was to be requested at the International convention influenced you in any way?

A: Why, yes, I didn't want to lose any work on account

of something we didn't even want.

[fol. 5045] Q. State whether or not you understood or believed that a strike meant the same kind of violence that had been engaged in by I. L. G. W. U. at the Gordon,

Gernes, Missouri plants?

A. Well, in my own mind I knew if someone told me to go on a strike I wouldn't go on a strike as long as things were like they were. No one had a reason to tell me that. I knew I would personally feel like that. I didn't want to lose any time because somebody else may be far distantin a far distant city, across the city, or in another city, felt like they should go on a strike.

By Mr. Ingraham:

Q. I want to direct your attention to the article that appeared in the Kansas City papers on March 17th, which is respondent's exhibit 27. Did you see the picture that appeared at the bottom of the front page of the Kansas City Star of March 17th?

A. Yes, I saw that.

Q. Now, I believe you stated that you read that article entitled "Sitters block the door."?

A. Yes, I did.

By Mr. Ingraham:

Q. I hand you respondent's exhibit 16 and ask you if you recall seeing the picture that appears at the bottom of the front page of the Kansas City Times for March 18th? [fol. 5046] A. Yes, I saw those.

Q. Now, at that time on or about March 18th did the

employees hold a meeting?

A. Yes.

Q. What was the purpose of the meeting, if you recall?

A. Well, I know I was very curious as to what steps we should take, where we stood in the idea of this—well, mob moving in on the garment company or a group, and demanding they stop work and join up with their union—whether or not you want to or not. I didn't feel like waiting until they came to the door to start. I felt if there was

any way to take steps to avoid that I thought we should dothat. What we could do, when and how about doing it.

Q. Did the articles I have just called your attention to have anything to do with your reason for attending that meeting?

A. Yes.

Q How-

We didn't know when we might go down and find them in our door, or start down there and not be able to get in the door or get in whole. We didn't know whether we would get in there with our clothes on or parts of them on.

Q. Did-you understand that the International intended to start their campaign against the Donnelly Company?

A. That was my understanding [fol. 5047] Q. Will you state, so far as you could observe, what effect these articles had on other employees at the plant?

A. I think-

Q. (Interrupting) These articles I have just referred to.

A. I think, as a whole, the girls all felt rather a fear. They did not know whether they were safe or not in coming to work alone, or whether they would have to have someone bring them to work every day and meet them at the door to take them home.

Q. Now, this meeting you have referred to, of March 18th, will you state when that meeting occurred, what time of day?

A. We did it after work.

Q. Will you state where the meeting was held?

A. It was on the second floor, I believe

Q. Do you recall how you learned of the meeting?

A. I don't know exactly. We had been talking about these articles in the paper at work—it was just the topic of conversation—it seemed like no matter what you started talking about it always got around to that, it was in the uppermost part of our mind. In the course of conversations I learned that the employees were having a meeting that evening after work.

· Q. Did anybody representing the company discuss the holding of that meeting with you?

No, they did not. ▼

[fol. 5048] Q. Did anybody representing the company request or suggest that you attend that meeting?

A. No.

Q. Did anybody representing the company tell you, or suggest in any way, that the employees would be penalized if they did not attend that meeting?

A. No.

Q. Did the instructor in your section direct you to go to that meeting?

A. No, she did not.

Q. Did you direct or order anybody to go to that meeting?

A. No.

By Mr. Angraham: .

Q. Did you arrive at the meeting when it opened, if you recall?

A. I am not sure, I don't remember,

Q. Did Rose Todd preside at that meeting?

A. I am not sure she presided, I know she talked at the meeting.

By Mr. Ingraham:

Q. Was there a general discussion among the employees?

[fol. 5049] A. Yes, that was the purpose of the meeting.

Q: What was the discussion about?

A. About the violence that was then in progress at 26th and Grand, and different employees told what they had heard and seen and what we could do, what we should do and what we could go ahead and do about it.

Q. Will you state whether or not a suggestion was made to ask Mrs. Reed to come to the meeting, and state what the

company was going to do!

A. Yes, I believe someone did make a suggestion that they ask Mrs. Reed what the company's stand was on the occurrence.

Q. Did Mrs. Reed come to the meeting?

A. Yes, she did.

Q. Did she make some remarks?

A. She made a speech. She falked to us.

Q. Do you recall whether or not Mrs. Reed made the statement that—made the statement in substance like this "If the plant was unionized it would be closed."?

A. I didn't hear her say that.

Q. Did you hear Mrs. Reed say that she was not going to let Dubinsky tell her how to run her business?

A. No, I didn't hear her say that.

Q. Did Mrs. Reed make any reference as to the rights of the employees to join or not join a labor organization?

A. As nearly as I can remember Mrs. Reed told us that [fol. 5050] we were free then as we always have been to do as we pleased. If we felt like we wanted to join a union we were free to do so.

Q. Do you recall whether or not there was mention made of arrangements that were going on for the using of buses to bring the employees to and from work?

A. Yes, there was something said about the buses at that time.

Q. Did you—or were the buses used after that time, sometime after that?

A. Some time after that they did have the buses.

Q. Do you recall what the reason was for the use of buses?

A. That was so the girls could get to work, and felt like we could get to work better that way. We didn't know whether it was safe to come within a block of work without being stopped, like riding on the buses from a distant point in the city while we could come in large groups like that and we felt like we would be safer.

Q. Do you recall that Mrs. Reed stated that the company was trying to make arrangements for buses?

A. I don't remember whether she said it, I remember it was talked about, I don't remember whether it was she that said it or how it came about.

Q. Did you see or hear Mrs. Reed read a letter from the I. L. G. W. U.?

A. I don't remember ever having—anything about a [fol. 5051] letter being read.

Q. Do you recall a committee being designated at that meeting by the employees? A. Yes.

Q. Will you state what the purpose of designating a committee was?

A: Well, my understanding of that was that the committee would seek legal advice as to what our understanding was under the law as to what we could do to take steps-to protect our rights.

Q. Do you recall who was appointed, on the committee?

A. I remember Miss Todd and Hobart Atherton was.

That is all I remember about who was on it.

Q. Now, after that meeting occurred was there another meeting held by employees prior to the meeting of April 27, 1937? A. Yes, there was.

Q. Do you recall when that meeting occurred?

A. No. I don't know exactly.

Q. Well, was it a week or ten days after your meeting

A. It might have been about a week later, I*am not sure.

Q. Where was that meeting held?

A. It was on the lower floor. I think the second or third floor, I don't remember which.

Q. When was the meeting held? [fol. 5052] A. It was after work.

. Q. Did anybody representing the management discuss with you the holding of that meeting? A. No.

Q. Did anyone representing the management request ...

you to go to that meeting? A. No, they did not.

Q. Did anyone representing the management say anything that led you to believe that the company would penalize you if you didn't go to the meeting? A: No.

Q. Did you go to the meeting of your own free will?

A. Yes, I did.

Q. Did you go to the meeting March 18th of your own free will? A: Yes, I certainly did.

Q. What, if anything, occurred at this meeting-the

one that occurred after March 18th?

A. Well, that was the meeting where the committee reported to us as to what they had found out when they went to the lawyers.

Q. Do you recall, prior to the time that that meeting was held, that the Gernes, Gordon and Missouri Garment Companies had brought an injunction suit against the strikers at their plants?

[fol. 5053]. A. I know there had been injunction suits from some of those plants against the union.

Q. I hand you again respondent's exhibit 26 and ask you if you recall reading about an injunction suit in that article which appeared in the Kansas City These of March 23rd? A. Yes, I read that.

Q. Was there a general discussion at this meeting that occurred after the meeting of March 18th, of the possibility of bringing an injunction suit?

A. Yes, we talked about applying for an injunction.

Mr. Langsdale: What meeting? March 18th or the one following?

Mr. Ingraham: The one following.

By Mr. Ingraham:

Q. Did the employees take any action at this meeting

following the meeting of March 18th?

A. Yes, that is the meeting that Miss Todd told us that we would have to raise some money in order to retain a lawyer, and at that time we voted as to how we would obtain the money.

Q. How was the money obtained?

A. It was suggested we all contribute 50c in order to pay for the retaining fee.

Q. Did you make that contribution! A. Yes, I did.

Q. Did you make that contribution to the Loyalty ...
League? A. No.

[fol. 5054] Q. Did you understand when you made the contribution that it was for any purpose of the Loyalty League? A. No.

- Q. Do you recall whether or not other employees made a contribution at that time? A. I believe they did.
 - Q. How was it made?
- A. Some of the girls, I understood later, gave it that night but I gave it to one of the girls in the section.
 - Q. Do you recall, who you gave it to in the section?

A. No, I don't remember which girl it was.

Q. Did you give it to a girl, or to the girl, because she was a representative of the Loyalty League?

A. I don't remember whether or not she was a representative of the Loyalty League.

Trial Examiner Batten: Of course, if you don't remember who you gave it to you wouldn't know, would you? Isn't that right, Mrs. Mudd?

A. Yes, that is, but I don't remember.

By Mr. Ingraham:

Q. Did you intend that the money that you gave be used by—for any activity or purpose of the Loyalty League!

A. That money that we gave at that time was not for

the Loyalty League.

[fol. 5055] Q. Did you see girls at the meeting contribute the 50c? A. No, I didn't see them do that.

Q. Did you direct any employee to attend this meet

ing? A. No, I didn't.

Q. Did your instructor direct you to attend this meeting? A. No.

Q. Did you tell anybody that she should make the contribution of 50c!

A. No, I didn't attempt to tell anyone what they should do.

Q. Did your instructor tell you that you should make a contribution?

A. I don't know that my instructor even talked to me about it.

Q. She didn't toll you to make this contribution?

A. No, she didn't.

Trial Examiner Batten: Mr. Ingraham, you asked this will ess if she instructed anybody. Would there be anything wrong if she did? Why do you ask her?

Mr. Ingraham: I asked that in anticipation of the position that Miss Weyard is probably getting around to taking. There isn't any reason under the sun why this woman couldn't say anything about making a contribution, so far as respondent is concerned.

[fol. 5056] By M? Ingraham:

Q. I believe you stated that you read the article that appeared in the Kansas City Star for April 12, 1937, entitled "Wagner Act is upheld?" A. Yes, I read that.

[fol. 5057] By Mr. Ingraham:

Q. Was that discussed at the meeting of April 27th?

A. I believe it was.

Q. Did Mr. Tyler make a talk at that meeting?

A. Yes, sir.

Q. And, in that talk, did he mention the Wagner Att?

A. I believe he mentioned it.

Q. Were you—or did that have anything to do with you voting in favor of the formation of the Donnelly Garment Workers' Union!

A. Well, I believe it did to the extent that I felt like we just had that much more right. It had been tried by the Supreme Court and they had found it constitutional. I felt like it was a little more assurance that we could exercise our right to do as we pleased, as far as labor organization was concerned.

Q. Were you at the plant on, or about, April 23, 1937?

A. Yes, I was.

Q. What floor did you work on?

A. I believe at that time I worked on the seventh floor.

Q. Do you recall any commotion in connection with Sylvia Hull or Fern Sigler! A. I remember some. [fol. 5058] Q. Well, did either of those girls work on your floor?

A. No, they didn't.

Q. Well, did you personally see any commotion?

A. I went up there to see what—when I heard that one of the girls that was working there had signed up with the I. L. G. W. U. and was going to a convention, I was curious to see what a girl would look like—well in my own mind, that is silly. They would sign up with the International Garment Workers' Union and not know any better to come on to work and expect the girls to still feel she was one of us.

Q. Did you want to work as long as she was there?

Mr. Langsdale; Which one?

By Mr. Ingraham:

Q. Which girl did you go upstairs to see?

A. I went up to see what Sylvia Hull looked like.

Q. Did you want to work so long as Sylvia Hull remained working there?

A. I felt rather disgusted. I don't know as I felt like I didn't exactly want to work, as long as she was there. I didn't liave to work close enough that I knew her.

Q. Did you hear any of the other girls say they didn't want to work as long as she remained there at work?

A. I heard some of the girls in the section say they didn't think she should be allowed to stay there and work.

Q. How long were you on the eighth floor? [fol. 5059] A. A very few minutes, I just went up to see what she looked like and returned to the section again.

Q. Are you a member of the Loyalty League?

A. Yes, I am.

Q. Do you recall when you joined the Loyalty League?

A. I joined it when they organized it:

Q. Do you recall when that was?

A. I don't know exactly.

Q. Was it several years prior to 1937?

A. I believe it was two or three years before that, I am not sure.

Q. What were the activities of the Loyalty League?

A. The Loyalty League sponsored dances and card parties.

Q. Did you attend any of those?

A. I attended most of them I believe.

Q. Did anyone representing the management ask you to join the Loyalty League?

A. No, they didn't.

Q. Did you feel that if you did not join the Loyalty League that you would be discharged?

A. No, I never gave that a thought.

Q. Did you ever hear anybody say that employees would be penalized by the management if he or she did not join the Loyalty League!

A. Nort never.

[fol. 5060] Q. Did you pay any dues to the Loyalty \ League?

A. No, I didn't.

Q. Did you ever know of the Loyalty League dealing with the company with respect to wages and terms and conditions of labor?

A. No, I never heard of such a thing.

Q. Do you state that the Loyalty League's activities were—or did you state that the Loyalty League's activities were confined to dances and carnivals?

A. That was the purpose of the Loyalty League, was the social get togethers that they planned for the employees.

- Q. Did you ever hear of the Loyalty League engaging in any purpose that had anything to do with representing the employees in connection with the terms or conditions of labor?
 - A. No.
- Q. Did you ever know of a meeting of the Donnelly Garment Workers' Union being held that was followed immediately by a meeting of the Loyalty League!
 - A. No.
- ·Q. Did you ever hear of a meeting of the Donnelly Garment Workers' Union that was preceded by the meeting of the Loyalty League?
 - A. No, I didn't.
- Q. Is there any connection of any kind between the Don-[fol. 5061] nelly Garment Workers' Union and the Loyalty League?
- A. There is none whatsoever, as far as I have ever known of.
 - Q. Is the Loyalty League still in existence.
 - A. Yes, it is.
- Q. Did the fact that Rose Todd presided at the March 18th meeting and the second meeting held some time the last of March or the meeting of April 27th, lead you to believe that those were meetings of the Loyalty League?
 - A. No.
- Q. Will you state whether or not you considered Rose Todd a supervisory employee?
 - A. She never has been as long as I have known her.
 - Q. Did you ever consider her your boss?
 - A. No.
 - Q. What did Rose Todd do, so far as you could observe?
- A. Well, what time I knew her she would come in the section to see whether or not we were being held up on our work by the lack of any notions or supplies or anything wrong with them, if there was part of the bundle lost or something, it was just to find out why the work wasn't going through as it was needed, and as it had been planned to go through.

Q. Did Rose Todd have any authority to give directions to anybody so far as you could observe?

A So far as I know, she didn't have.

[fol. 5062] Q. Did you ever hear of Rose Todd having any authority to hire, discipline, or discharge employees?

A. No.

- Q. Did you believe that Rose Todd had authority to speak for the management in connection with labor matters?
 - A. No.
- Q. I will hand you respondent's exhibit 6, which appears in the Circuit Court record of 4864, and ask you if you recall reading this article, which appeared in the Kansas City Times of February 26, 1937, entitled "Reopen a garment feud"?

A. I read that.

By Mr. Ingraham:

Q. What effect did that article have on you?

A. I thought it was rather odd to bring a personal feudinto the business. Dubinsky was trying to get back on Mr. Reed and he wasn't connected with the management of the Company. I didn't see why that personal difference should make any difference as far as sending people out to tell their customers we weren't paid enough and our working conditions weren't right, and they couldn't even offer us any suggestion; as far as we knew there wasn't any improvement that they were offering us and I couldn't see why. Then they was going to get a large sum of money to [fol. 5063] organize us. Well, it looked to me like that money could have been used to a better purpose. We didn't want them and we had let them know we didn't want them before. I couldn't see why as far as the other companies were concerned why they should come down there and say our wages weren't high enough, when they didn't have anything to offer as far as wages were concerned, and saving there was 25 members in the company at that time and as soon as they got more they would call a strike down there.

I couldn't see why—they would tell us they would let us go on a strike, how that would help us any. Our salaries

wouldn't have gone on if we were on a strike, as well as losing time at work.

I don't think anybody wanted to do that. We didn't like to have them. I didn't like to have it out in the paper that we were so badly—well, I don't know—they wanted the idea out we weren't being treated right.

- I knew in my employment there I had certainly been treated right.
- Q. Did you know that you were being paid far in excess of wages that were being paid in plants that had contracts with the I. L. G. W. U. in Kansas City!
- A. I felt sure I was making far more than I would in some of these other factories.

[fol. 5064] Trial Examiner Batten: How is that material? You say did she know. Well, of course, I have no objection to it, she has answered it. Of course, it doesn't mean that we are going into that whole question of whether, in fact, they were. The only question that will raise is whether or not this witness—what her own information is concerning the statement, whether it is supported by anything. I didn't want you to think that raises the whole issue of the truth.

Mr. Ingraham: We still contend that is an issue we are interested to go into and that even under your ruling, that is a factor that these employees have a right to consider.

Trial Examiner Batten: Yes, that is what I just said.

Mr. Thresdale: I object to the question and ask that it be stracken—the answer—for the reason it isn't covered by their offer of proof and for the reason that if they do open up that subject, to what other union factories are paying in Kansas City, I think I would have the right to show when the I. L. G. W. U. came here and organized those other factories they were working fifty and sixth hours a week for four and five dollars a week, and whatever they were getting at the time of this controversy was two or three times what they had been getting, in the light of that line of testimony. The comparison would amount to nothing.

If we are going into those subjects I would like to go into it that deeply.

Trial Examiner Batten: I am only going into it to the [fol. 5065] extent I indicated. These witnesses have testified what it was that led them to form the organization or why they did it. Now, I am permitting it to that extent and that doesn't mean I am excluding the testimony you indicated, Mr. Ingraham, that you still take the position it is an issue. I am not rufing on that matter now, only with respect to this witness's testimony.

By Mr. Ingraham:

Q. What effect did you observe that this article had on other employees at the plant?

Mr. Langsdale: Is this March 26th?

Mr. Ingraham: February 26th.

A. Well, I think they were all rather disgusted to think we was going to have to fight and defend our rights as workers if we didn't want to join a union, and the time they were reopening the campaign and sounded the way the article read if it was, between—on account of the Presidential campaign the year before we didn't see what difference it would make how we worked—regardless of how a political campaign came out.

I think the majority thought—or felt like it was bringing in something that didn't concern us at all. Regardless of what personal feelings between two men, even outside of our own group—

Mr. Ingraham: (Interrupting) Q. Do you recall a petition being circulated a few days after that article ap[fol. 5066] peared in the press? A. Yes.

Q. I will hand you I. L. G. W. C. Schibit 10, page 5974 of the Circuit Court record, and ask you if that appears to be a photostatic copy of the petition that you signed!

[fol. 5067] A. Yes, I remember it.

By . Mr. Ingraham:

Q. Did you sign that of your own free will?

A. Yes, I did.

Q. Will you state the circumstances under which you signed that?

A. Well, I don't believe at the time that it was on the floor—I must not have been up there; I don't remember, I didn't see it at that time. I heard about it after it was passed through the floor. Some of the girls asked me if I had seen it, and I hadn't known anything about it, so I asked about it, the next day I asked about it, and then there was one brought to me, and I got to sign it.

Q. Why did you want to sign it?

A. Well, because I felt very much that I wanted Mrs. Reed to know that I certainly was in favor of continuing work, and I was very well satisfied, and I didn't see any necessity of any changes, and I wanted her to know that I fully agreed with the petition, and I wanted to read it, and I wanted to sign it.

Q. Did you want her to know that you felt the working

conditions were satisfactory? A. Yes, I did.

Q. There is a statement in that petition to the effect that "The undersigned refuse to acknowledge any labor organization." Did you have any particular labor union in mind that you thought that referred to?

[fol. 5068] A. Well, in my mind, when I signed this I was thinking of the International Ladies' Garment Workers' Union. I didn't know what the petition referred to other than that. That is what I had in mind.

Q. Was here any other union that you knew of, that was attempting to organize the workers at the Donnelly plant at that time?

A/ That was the only one I had heard of.

Q. Did anybody representing the management ask you

to sign that petition? . A. No, they didn't.

Q. Did anybody representing the management lead you to believe that you would be penalized in any way if you failed to sign that petition? A. No, they didn't.

Q. Did anyone representing the management give you any impression that the mangement did not want the employees to join or not join a labor organization?

A. I hadn't heard anything to that effect.

Q. Well, did the article that appeared on page 26, which was respondent's exhibit 6, that you have just referred to, did that have anything to do with your desire to sign the petition that you have just referred to?

A. Yes, it did. [fol. 5069] Q. Do you recall when Mr. Baty became factory manager? A. I remember it.

Q. Do you recall about when that was?

A. No, I couldn't. I just remember that there was a change made in the management, but I don't remember just when it was.

Q. Do you recall what effect that change had upon the duties of the instructors, do you know anything about

that?

A. Well, I knew at that time that the instructors didn't have as much to say about the work, about the girls, what they did and what they didn't do.

Q. Do you know whether or not operators, after this change, had to take up complaints with Mr. Baty rather

than with the instructors?

A. I know that that is the way it was handled, that the instructor would tell the girl that—I know whenever I was around the instructor and a girl came up and asked about something. I have heard her tell them to go to Mr. Baty and tell him.

Q. After Mr. Baty was made factory manager, did you

see him frequently on your floor at the plant?

A. Yes, he was there a great deal.

[fol. 5070] By Mr. Ingraham:

Q. When you say frequently, how many times a day and how frequently would Mr. Baty generally be on your floor?

A. Well, you see, his desk was there on the seventh floor, and in going to and from the elevator, I passed his desk, and then he was in around the sections during the day, too, he would make the rounds? I think it was his practice to make the rounds of all the sections. I know he came in our section rather regularly.

Q. Did you understand that Mr. Baty was the one boss

in the factory? A. That was my understanding.

A. The idea was, he was my boss, I didn't feel like anyone else there was my boss.

[fol. 5071] By Mr. Ingraham:

Q. You understood Mr. Baty was your boss? A. Yes.

Q. Did you understand the instructor in the section where you worked was the boss? A. No.

Cross-Examination

By Mr. Lane:

Q. Mrs. Mudd, what did you understand the duties of the instructor were in April, 19374

A. Well, it was their job to show the girl how to do the

. work.

. Q. Did you at that time wear a uniform?

A. Yes, I did.

Q. Did you go to the meeting of April 27, and other Donnelly Garment Workers' Union meetings in your uniform, or did you change to street clothes?

A. I think—at first I believe I always went in my uniform, I think later on I got to changing clothes before I

went to the meetings.

Q: Did you say what time of day it was that the meeting [fol. 5072] of April 27, 1937, was held?

A. It was after work.

Q. Do you recall the hour? A. No, I don't.

Q. I believe you stated at that meeting you voted in favor of forming, h independent union? A. I did.

By Mr. Lane:

Q. Had you had any discussion with anybody prior to April 27, or prior to the meeting on April 27, about the formation of a plant union?

[fol. 5073] A. I don't remember of having had.

Q. Did vou know Hobart Atherton?

A. Yes, I knew him.

Q. What did you observe him doing around the plant prior to April 27, 1937?

A. I don't know what he did, I just knew him when I saw him.

Q. Had he ever done anything or said anything that gave you the impression that he was a supervisor or a boss, or a person—

Mr. Lane (Continuing) Held out by the management as being entitled to represent the management or speak for the management on labor matters?

[fol. 5074] A. No, I didn't.

By Mr. Lane:

Q. · Do you know Sallie Ormsby?

. I knew who she was.

. Q. Did ou know what her job was? .

A. L don't know. I had the impression she was an operator, I never knew what she was.

Q. Did you know Ethel Riddle?

A. Yes, I knew Ethel Riddle.

Q. Do you know what her job was? A. Yes.

Q. What was her job? A. Operator.

Q. Did you know Arch Lyle?

A. No, I didn't know him.

Q. Did you know Lena Tyhurst? A. Yes.

Q. What was her job?

A. She was also an operator.

Q. Did you know Mrs. Riggs? A. Yes.

Q. What was her job?

A. I knew she worked up on the ninth floor in the patterns.

[fol. 5075] Q. Did you know Lyle Jeter? A. Yes.

Q. Did you know what his job was?

A. He was a machinist.

Q. Did you know Carl Crawford? A. Yes.

Q. What was his job?

A: I don't know what his job was. I know he worked on the fifth floor.

Trial Examiner Batten: Q. Which floor? A. Fifth.

By Mr. Lane:

Q. Do you know what department?

A. Well, the cutting department is there, but I don't know what he did.

Q. Did you know_Cornelia Taylor?

A. No, I didn't know her.

Q. Did you know Leona Moore? A. No.

Q Did you know Ellen Nokes! A. No.

- Q. Did you know Virginia White? A. Yes.
- What was her job? A. I don't know. Q.
- Did you know Fred Brown & Q.

5076] A. I knew who he was. . fol.

- Q. Do you know what he did? A. No.
- Q. Did you know Mamie Riddle! A. Yes. .
- What was her job? A. She was an operator. Q.
- Q. Did you know. Anna Richards? A. Yes.

Q. A. What was her, position?

- She was a presser.
- Q. Did you know Marjorie Green? A.
- IQ. Do you know what she did? A. No.
 - Q. Did you know John McConaughey? A. Yes.
 - Q. What did he do?
- At that time I don't know whether he was a basket boy or worked in the cage on the eighth floor.
 - What do you mean by working in the cage?
- Took machine calls when there was a machine call put in.

By Trial Examiner Batten:

- Q. Well, two or three witnesses said something about the cage. What do you mean? Was he working in a cage? [fol. 5077] A. Well, there is a little room on the eighth floor at the north side of the building, which was enclosed by a wire netting, I guess you would call it, and it is always referred to as a cage. There is a little window to go up to, to tell them what you want.
 - Q. Well, that is what you mean when you say "cage"?
 - A. That's right.

By Mr. Lane:

- By that you mean if some machine part is broken or missing, or it needs repairing, you report that?
 - You report the that you need a machinist.
 - Did you know Warlie Casey!
 - No, I didn't know him. A.
 - Did you know Hazel Saucke? A. No. Q.
 - Did you know Anna Reece?' Q.
 - No, I didn't at that time. A.
- Was there anybody who took any part in the meeting of April 27, that you regarded as being a supervisor or a boss or a manager, or as a person authorized by or held out by the management as anybody authorized to

speak for the management in connection with any labor matters?

A. No, yot to my knowledge there was not.

Q. Or any relation to any matters, between the management and the employees? A. No.

[fol. 5078] Q. Did you, when you voted to form the Donnelly Garment Workers' Union, have the feeling in your own mind that you were doing a voluntary act?

A. Yes, I did it of my own free will.

Q. An act that expressed your preference? A. Yes.

Q. Did you, in your mind, have any fear you were under any domination or intimidation or coercion or pressure on the part of the management or anybody representing the management?

A. No, I didn't feel that way.

Q. Did you know of any act or anything said by anybody—any one of the supervisors or superintendents, or Mrs. Reed, or any department heads, that your regarded as indicating pressure or coercion on their part to form a labor union or stay out of any labor union?

A. I didn't hear it discussed by any of them at all.

Q. I will ask you to state whether or not it was your belief and opinion in doing what you did at the April 27th meeting, that you and the other employees were acting together as employees, in doing what you, as employees, preferred to do. A: I was doing as I preferred.

· Q. Did you attend the meetings of the Donnelly Garment Workers' Union thereafter fairly regularly

A. Yes, I did.

Q. I will ask you to look at Board's exhibit 8-12, begin-[fol. 5079] ning on page 4406 of the Circuit Court of Appeals record, being the minutes of a meeting of May 11, 1937.

By Mr. Lane:

Mrs. Mudd, did you attend that meeting?

A I believe I did.

Q. Was it your understanding the Donnelly Garment Workers' Union would be independent financially?

A. Yes, that was my understanding.

Q. That any bills, including attorneys' fees, or anyservices rendered to the Donnelly Garment Workers" Union had to be paid by the union?

A. The union was responsible for all expenses.

Q. Do you know of any financial contribution or any other kind of a contribution that anybody has ever made to the Donnelly Garment Workers' Union?

A. The members is all I know of that ever contributed

to the union.

Q. Have all expenses of the union, so far as you know, been paid from the dues, assessments, and other collections from the employees, members of the union?

A. To my knowledge the union has taken care of all of the expenses.

Q. Do you recall whether or not this was said at the [fol. 5080] meeting of May 11? I am referring to page 4409 of the Circuit Court of Appeals record: "Do you realize now that Mr. Tyler is representing the Donnelly Garment Workers' Union and he will have to be paid? I expect a good many of you are wond ring what he is going to charge. I talked with him in some detail and I am sure you will feel that he is quite right in the answer he gave me, he doesn't know what his answer will be, because it depends on how much trouble we give him, and how much work he will have to do for us. The union does have to be self-supporting in every detail. Being a thoroughly reliable group of employees, we can take care of our own financial obligations."

A. Yes, I remember that being discussed.

Q. I will ask you to look at the minutes of the meeting of May 25, 1937, beginning on page 4415 of the Circuit Court of Appeals record, and ask you to read those, and state whether you attended that meeting.

Mr. Lane: The exhibit number is Board's Exhibit 821.

Mr. Lane: Did You attend that meeting?

A. Yes, I believe I did.

[fol. 5081] Q. Do you know at what time of day you quit work, on or about May 25, 1937? When was your work over for the day?

Q. Do you know what time of day that meeting was held?

A. I never went to any meetings only after work.

Q. Do you know whether you were there at the beginning of that meeting? A. I feel sure that I was.

Q. Was there ever any union meeting, that you know

of, that began at 3:45 in the afternoon? A. 'No.

Q. Did you discuss at that meeting the matter of the Donnelly Garment Workers' Union raising money to pay a bill of the Loyalty League?

A: No, we took care of union business at the union

meetings.

ca

By Mr. Lane:

Q. Was there ever a union meeting at which you discussed raising money for the Loyalty League? A. No.

Q. Was that meeting followed immediately by a meeting of the Loyalty League?

A. Not that I ever knew of.

Q. Was there ever a time when you knew of a meet-[fol. 5082] ing of the Donnelly Garment Workers' Union being immediately followed or immediately preceded by a meeting of the Loyalty League?

A. Not that I know of.

Q. Did you know Elsie Graham Greenhaw?

A. No, I don't believe I did. .

Q. I believe you said you knew Marjorie Green?

A. Yes.

Q. Did she hold any office in the Donnelly Garment Workers' Union?

A. She was our secretary.

Q. Did you see her at the meetings?

A: I think I saw her at most of the meetings.

Q. Did you see her-do anything at the meetings?

A. She took notes, she was always up on the platform taking notes,

Q. Is it your recollection she was at the meeting of May 25?

A. I don't remember of anyone else taking notes. If they did I don't remember it.

[fol. 5084] Q. I will ask you to state whether or not at the meeting of the Donnelly Garment Workers' Union, held on May 25, 1937, Rose Todd said This meeting has been called very hurriedly. We were to have chairs at 3:30, they were to be here at 3:30 but it takes a few minutes to get them and set them up and it takes a few min[fol. 5085] utes to get you all down here. But I didn't know there were none until I came down." Do you recall that at any union meeting that Rose Todd ever made that remark?

A. Not at 3:30 in the afternoon. I never heard her

mention anything about ordering chairs.

Q. Did Rose Todd say at the meeting you attended on that day, "I want to tell you this is going to be two meetings. The first being a meeting of the Donnelly Garment Workers" Union and after that a meeting of the Loyalty League."!

A.—Not to my knowledge, we never had a meeting of the Loyalty League and the Union together.

Q. Did Rose Todd say that at that meeting!

A. A never heard her.

Q. Were you there at the beginning of that meeting?

A. I am sure I was.

Q. I will ask you to state whether Rose Todd said this at that meeting: "For you people here working I want to advise you to work quietly."!

A. We weren't on the floor where apyone was werking.

We had those meetings on the vacant soon

O Did Rose Todd, at that meeting, say anything about people working where you were

A. Not that I know of.

Q. And you say there were no people working in the room where you were holding your meeting? [fol. 5086] A. We had those meetings on the vacant floor, no.

Q. I will ask you to say whether or not Hobart Atherton made this remark at that union meeting: "There seems to be a little misunderstanding as to why the Loyalty Langue needs this money," and a little later on "I will explain that to you."!

A. I never heard him make that remark.

•Q. Did Rose Todd say this "If there is any business pending of the union, please bring it up now. If there

isn't I want to close this and open it as a Loyalty meeting."? A. No.

Q. Was there a motion made to adjourn the union meeting and immediately open a Loyalty meeting?

A. Not that I heard.

Q. Did you stay through the meeting of May 25th until the end of it?

A. I stayed until the meetings were adjourned.

Trial Examiner Batten: What was that?

A. I stayed at the meeting, when I would go to them, until they were adjourned.

By Mr. Lane:

Q. Did you, at the meeting of May 25th, hear Miss Todd say this: "There have been several things come up that the Loyalty League will be interested in, mainly about this sweep stakes."!

A. May 25th? I never heard of any sweep stakes in [fol. 5087]. May. What sweep stakes we always had the athletic association might have a sweep stakes in conjunction with their golf tournament in the fall, when they would quit playing golf.

⁴ Q. Was that discussed at this Athletic Association—discussed at your union meeting of May 25th, 1937!

A. No, they never. I never knew of them holding a sweep stakes in May.

Q. Did you, at your union meeting, discuss a bill of

the Loyalty League?

A. I never knew the Loyalty League ever had any bills.

Q. Well, did you discuss it at that union meeting?

· A. Not that I remember of.

Q. I will to keep you attended on May 25th, the union meeting, Hobart Atherton said this "As Miss Todd has already told you we only have one debt of the Loyalty League. A good many of you seem to be under the impression we have accumulated quite a lot of bills as we run along, but we have only one." Was that matter mentioned or discussed?

A. I don't remember anything said about that.

Q. Was this said at that meeting "You all realize when this agitation first started we didn't have any union started and it was up to some organization to take the initial step to protect our rights as employees of the Donnelly Garment Company, so the Loyalty League had a meeting of the representatives and were authorized by the representatives to retain legal counsel. We retained Mr. Tyler, [768, 5088] as you all know, he came down here and talked to us. That debt, the bill of Mr. Tyler's, is the only debt the Loyalty League has which has not been paid, and as Miss Todd told you, that is—'', was anything of that kind discussed at the meeting of May 25th?

A. I don't know that the Loyalty League had any debt. The Loyalty League wasn't mentioned at that meeting.

Q. Was there anything said at that meeting that the Loyalty League had a meeting of representatives and retained legal counsel? A. No.

· Q. Was anything said at that meeting about the Loyalty League taking the initial step to protect your rights as employees? A. No.

Q. Was there any suggestion or motion made at that meeting to pay 50c per person in order to raise this money for the Loyalty League? A. No, there wasn't.

Q. Will you state what activity the Loyalty League had after the formation of the Donnelly Garment Workers' Union?

A. I don't remember any one particular occasion that we had after that.

Q/ Was the Loyalty League still in existence on July 15, 1939? As Yes, sir.

[fol. 5089] Q. Had its activities, after April 27, 1937, and up to July, 1939, been the same as its activities for the same period preceding April 27th? A. I think it had.

Q. I will havel you respondent's exhibit 7, which appears at page 4865 of the Circuit Court of Appeals record, being an article appearing in the Kansas City Journal-Post on March 6, 1937, and ask you if you read that article?

A. I believe I did.

Q. Did you read this portion of the article attributed to Mr. Dubinsky: "Dubinsky said that Reed would receive a polite letter within a few day inviting him to confer with Kansas City labor leaders about signing a union contract. If he refuses to meet with us we will start our

campaign. "It may take a long time to organize the Donnelly Company plant but we will win out in the end as all our 240,000 members of our organization are behind us."? [fol. 5090]. A. Yes, I read that.

Q. Now, when the strike controversy was going on at the Gordon, Gernes, Missouri companies in March, state whether or not, in view of the article I have just read to you, you considered those strikes as part of the campaign Mr. Dubinsky mentioned in this article?

A. I thought that was—I thought that is what he had reference to. Strikes of that nature, that is the only way

. .

they could even attempt to organize us.

By Mr. Lane:

Q. I will show you Board's exhibit. 27, appearing on page 4743 of the Circuit Court of Appeals record, being an article in the Kansas City Times on May 11, 1937, entitled "Reed assails Dubinsky" and ask you to look at that and state whether you read that article, at about that time? M. I believe I read it.

Q. Did that article have any influence on you—your wish to remain a member of the Donnelly Garment Work-[fol. 5091] ers' Union or to have the Donnelly Garment Workers' Union as your representative for collective barmining.

gaining?

Trial Examiner Batten: Well; Miss Witness, I don't understand, a while ago you looked at some exhibits Mr. Dubinsky quoted, and I gathered from your answer that you believed what he said, but what Senator Reed apparently said you didn't believe or didn't influence you, and yet you didn't know Mr. Dubinsky and you do know Senator Reed.

A. I don't know Senator Reed any more than I do any other man. I know who he is now from seeing him here and from other gatherings but as far as knowing him, I don't know him. I wasn't influenced by what he said as to whether or not I wanted to belong to the union:

[fol. 5092] By Mr. Lane:

Q. In this article of March 6, 1937, purporting to be an interview with Mr. Dubinsky in which he is alleged to have said "Mr. Reed said many harsh things about me during the recent political campaign but all that is past and I shall deal with him only as a maker of dresses." Did the fact that appeared and attributed to Mr. Dubinsky influence you any in your decision with respect to forming the Donnelly Garment Workers' Union?

A: Only that he was planning on organizing the place where I worked. Not that he referred to Mr. Reed, be-

cause Mr. Reed wasn't a part of the company.

Q. Well, did the fact that he is alleged to have said "Mr. Reed said many harsh things about me" have any influence on you?

A. No, it didn't make any difference to me.

Q. Now, up to July 15, 1939, and I use that date because the Examiner has confined us to that period—

[fol. 5094] By Mr. Lane:

Q. Mrs. Mudd, did you, during that period, remain a member of the Donnelly Garment Workers' Union of your own free choice? A. Yes, I did.

Q. Did you know Mrs. Martha Gray in April, 1937!

A. Yes, I believe I did.

Q. Do you know what she did?

A. She worked in the store.

Q. Do you know what work she did there?

A. Well, she was just a clerk to my knowledge.

Q. Were you occasionally in the store?

A. Yes, I went in there from day to day.

Q. Did you see what she was doing !

A. She always just waited on you if you wanted a dress

or any material, she waited on you for it.

[fol. 5095] Q. Was there anything that Mrs. Gray ever did or anything that she ever said to you that led you to believe that she was a superintendent or supervisor or was being held out by the company as having authority to speak for the company in connection with any bor matters? A. No, I near did think she had.

Q. Did she, so far as you know, have any control over other employees? A. No, not that I know of.

Q. Did anybody ever say anything to you or did you get the impression anywhere she was a supervisory employee? A. No.

Q. Did you know Mrs. Lena Tyhurst? A. Yes.

Q. What was her position in April of 1937?

A. Well, to the best of my knowledge she was one that looked at the work to see if it was all right, or made suggestions about the handling of the work, the quality of the workmanship.

Q. Do you know whether or not she had any control or

supervision over any other employees?

A. To my knowledge she didn't havex

Q. Did you have the opinion, or impression, in April of 1937, that Lena Tyhurst was a supervisory employee?

A. Nort

Q. That she was being held out by the company as oc-[fol. 5096] cupying a supervisory status!

A. No, I never thought she did.

Q. And did that continue to be the situation so far as Lena Tyhurst was concerned, down to July, 1939?

A. I believe it was.

- Q. Is the same thing true of Mrs. Gray? A. Yes.
- · Q. Did you know Marvin Price in April of 1937?

A. I knew him when I saw him.

Q. Did you know what he did! A. No, I didn't.

Q: Did he ever do anything in your presence or say anything that led you to believe that he was a supervisory official of the company! A. No.

Q. Did you ever see him exercise any control or author!

ity over any other employees! A. No, I didn't.

Q. Do you know Mrs. Bogart?

A. I knew her when I saw her.

Q. What is her first name, do you know?

A. No, I don't.

Q. Do you know what she did? A. No.

Q. In April of 1937?

[fol. 5097] A. I don't know. .

Q. Did you ever see her do anything or hear her say anything that gave you the opinion or impression that she was a supervisor for the company! A. No.

Trial Examiner Batten: Miss Witness, did you say you didn't know her?

A. I knew her when I saw her, but I wasn't acquainted personally with her. I knew who she was when I saw her, that is all.

By Mr. Lane:

Q. Did you know Mrs. Strickland? A. I knew her.

Q. Could you connect up her name with her in April of 1937, so you could identify her?

A. Yes, I believe I was bowling at that time with Mrs. Strickland.

Miss-Weyand: I didn't understand that last answer.

A. I think at that time I was bowling on the same team, with Mrs. Strickland.

By Mr. Lane:

Q. You know what her position was?

· A. No, I don't.

Q. Did she, during working hours or after working hours, on this bowling team you speak of, ever say or do anything to give you the opinion that she was a supervisor of the company? A. No.

[fol. 5098] Q. Did she or anybody else ever say anything to you, or do anything to give you the belief that she was authorized to speak for the management in connection with labor matters? A. No.

Q. Or that she could control the activities of other employees? A. No, she didn't.

Q. Did you know Ted Scoles in April of 1937?

A. I knew him when I saw him.

Q. Do you know where he worked?

A. I had the impression he worked on the fifth floor.

Q. What department! A. The cutting department.

Q. Did you have the opinion at any time from April, 1937; to July, 1939, he was a supervisory employee of the company? A. No, I didn't.

Q. Did you know Herbert Mutchler? A. Yes.

Q. Was he employed by the company in April of 1937?

A. I believe he was.

Q. Do you know what he was doing then?

A. No, I don't know what his duties were.

Q. Do you know what his duties were at any time he, was employed there?

A. Well, I think at one time he checked up on came in, [fol. 5099] I believe he looked up bundles. I don't know what he did. It seems to me that is what he came in the section for occasionally.

Q. Do you know when he left the employment of the

company? A. No, I don't know.

Did you ever have the opinion or the impression during the period from April, 1937 to July, 1939, that Herb Mutchler was a supervisory employee? A. No.

Q. Or that he had any control over other employees?

A. No, I didn't.

Mr. Lane: I believe that is all.

[fol. 5100] By Miss Weyand:

Q: I believe you stated you started in as a presser, is

that correct? A. That's right.

Q. Do you call it a pressing section or a pressing department, or what is the term you use referring to the group of pressers?

A. I believe it is referred to as the pressing department.

What is the title given the presser in charge of the pressing department? Is it an instructor, or do they have. some other name?

Well, I don't know as I ever heard any title in con-

nection with the name of the lady down there.

What lady do you refer to? A. Mrs. Waddell.

Has she been in charge of the pressing department

ever since you first were acquainted with it?

A. Well, when I worked down there, she was, but whether she is now, or in 1939, I don't know; I left that department after I worked down there for a while.

And she was always referred to as Mrs. Waddell?

I always heard her referred to as Mrs. Waddell, I guess she was the instructor.

Q. Did she have someone called the thread girl?

While I was down there she did not, that I remember. A.

Was there anybody who assisted Mrs. Waddell?

I don't remember, when I was there, that there was. [fol. 5101] Q. When you went on the floor in the pressing department, what did you do?

A. I counted the work as it came into the department, and put the belts with it, and later on I put the beltsthat work was one job, and later on I did another job of putting in the belts in the dresses separately and buttoning them up and fastening the plackets, and such as that, in order to get them ready to fold.

[fol. 5102] Q. In the sewing section, who are paid by piece rate and who by time rate?

A. I am paid by the time. -

Q. Do you know whether or not anyone else is?

A. I suppose the instructor is.

Q. Do you know whether anyone else is?

A. I don't know that anyone else is paid by time all the time; of course, I don't have anything to do with how they are paid.

Q. What instructors were you the thread girl to, during

the period of 1935 to 1939!

A. I wasn't on the floor in 1935; I believe I went on the floor the early part of 1936. I worked for Mrs. Cook at one time, and I worked at one time for Mary Copowycz, and I worked for Mrs. White.

Mr. Lane: I didn't understand that last name.

A. Mrs. White; and for Clara Finnell; I believe that is all, other than maybe just during vacations. I might [fol. 5103] have relieved or worked for somebody else who might have taken the instructor's place, that I was working with during vacations.

Q. You said you might have relieved somebody. You

mean who?

A. Any other foor girl, One vacation, I believe, was the only time I worked in that way, in one of the small sections on the ninth floor, in the place of Frances Dumit.

Q. This morning when you were reading the February 26, 1937, article, you said that at that time you had already let the I. L. G. W. U. know that "We didn't want them in the plant." Were you referring to the Loyalty League when you made that statement!

Mr. Reed: What is that?

Trial Examiner Batten: Will you rend the question?

(Thereupon the last question was read by the reporter.)

A. I think that is what I had in mind.

Miss Weyard: Who was your instructor at the time of the March 2nd petition, March 2, 1937?

A. I believe Mrs. Cook.

[fol. 5105] Q. Who brought the petition to you when

you signed it?

A. Well, as near as I can remember, I believe Mary Sprofora did; I am not sure whether she brought it to me, or whether I went and hunted it up.

Q. Did you sign it at some meeting at which all the in-

structors and thread girls were present?

A. I wouldn't remember.

Q. You wouldn't know one way or the other?

A. No, I am afraid not.

Q. Did you notice what names were on the petition when you signed it?

A. I don't remember now. I probably at the time did

notice whose names were there.

Q. I wonder if you would look at the names, and tell me whether or not the first eight or mine names are those of instructors, and their respective thread girls, on the eighth floor at that time? Will you read the names out loud?

Trial Examiner Batten: Let's see. What is that exhibit?

[fol. 5106] Miss Weyand: That is I. L. G. W. U. exhibit No. 10, which appears in the Circuit Court of Appeals record at 5974, and they are at 5388.

A. I don't know where these instructors and floor girls worked; I might know who they are, but I don't know as I would know where they worked at that time.

Q. Well, will you read the first eight, and see if those were not instructors and thread girls, who were on the

eighth floor at that time?

A. I believe Lola Skeens was on the eighth floor.

Q. And the name following her name? .

A. Nellie Biggs, I don't know whether she was an instructor or thread girl at that time. I believe she was a thread girl, but I don't know where she worked.

Q. And what is the next name?

A. Marie Patton was an instructor.

Q. On the eighth floor? A. Yes.

Q. And the next name? A. Marie Grampz.

Q. What was she?

A. Marie was a thread girl, I believe; I don't know whether Marie Grampz was on that floor or not as a thread girl, but I believe she was.

Q. And the next name?

[fol. 5107] A. Lena Allison, I believe at that time she was an instructor on the eighth floor. Rose Henricks, I am not sure about her.

Q. Was she Lena Allison's thread girl at that time?

A. I don't know really.

Q. Was she at any time around that period?

A. Isdon't know who worked together. Ada Vining was an instructor.

Q. You missed a couple of the first names.

A. Etta Dorsey, she was an instructor too, to the best of my knowledge; I never knew exactly what section she was in, but she had special machines, as a rule, along with other machines in the same section, embroidering and tucking, and such as that I couldn't say whether she was up on the eighth floor at that time or not. I was on the seventh floor.

Q. Carrie Abrams.

A. Carrie Abrams, I believe she was an instructor at that time.

Q. Was she on the eighth floor?

A. I don't believe so; I don't believe she has been up on the eighth floor as an instructor.

Q. Grace Davis ?

A. Grace Davis, I don't know whether at that time I knew Grace Davis.

Q. Do you know whether she was ever the thread girl for Carrie Abrams, or Etta Dorsey? [fol.5108] A. Not to my knowledge, I couldn't say

either way.

Q. That covers the first eight or nine names. Now, taking the next group of names, do you know on what floor Ada Vining was?

A. Ada Vining, I am under the impression, was on the eighth floor.

Q. As an instructor? A. Yes.

Q. And Clara Finnell?

A. I believe she was an instructor on the eighth floor.

Q. Emma Grober? ..

A. I believe she was a thread girl.

Q. On the eighth floor?

A. I don't know where she worked.

Q. The next name, Anna Barthol?

A. She was a thread girl at times. Anna Bartlel got sick sometime along there; I den't know whether she was on that floor then or not.

Q. She must have been working there the day this was

signed, wasn't she?

A. Well, I don't know whether she was on the floor.

Mr. Reed: Please keep your voice up. I can't hear you.

Miss Weyand: I am sorry.

By Miss Weyand:

Q. The next is Mary Snedden.

A. Now, Mary Snedden was a thread girl for a while; [fol. 5109] I don't know at this time whether she is: I knew Mary Snedden as an instructor when I was on that floor, and I know she was up on the floor as a thread girl too for short times, but as to this date, whether she was a thread girl, I couldn't say. I never worked with or close to Mary Snedden.

Q. Do you know who her instructor was when she

was a thread girl? A. No, I don't.

Q. Grace Gnotta? A. She was an instructor.

Q. What floor at that time? A. Seventh.

Q. Vera Marshall?

A. Vera Marshall, I believe, was a Bread-girl.

Q. Was she Grace Gnotta's thread girl?

A. I don't think so.

Q. She was on the seventh floor, wasn't she?

A. I don't remember.

Q. Lillian White.

A. Mrs. White was an instructor.

Q. On the seventh floor? A: I think she was.

Q. And Edna Bienert? A. She was a thread girl.

Was she Mrs. White's thread girl?

[fol. 5110] A. I think perhaps she was.

Q. Rosetta Cook?

A. She was the instructor I was working with at the time I signed the petition.

Q. And your name follows her name, is that correct?

That is your signature? A. Yes.

Q. And you were on the seventh floor at that time?

A. Yes, I was.

Q. The next name, Kathryn Rosen?

A. Kathryn Rosen was an instructor, I believe.

.Q. And she was on the seventh floor, was she?

A. I don't remember. Kathryn was also an instructor and had special operators.

Q. What about Pearl Collins?

A. I don't know whether Pearl Collins was an instructor or a thread girl then.

Q. She has been both? A. Yes, she has.

Q. Martha Gorman?

A. I am not sure about Martha Gorman; I believe she was a thread girl.

Q. Do you know whether she was on the seventh floor?

A. No, I didn't know Martha very well.

Q. Mary Copowycz?

[fol. 5111] A. 4 think Mary Copowycz was a thread girl then.

Q. Do you know what floor she was on?

A. No, I don t.

Q. She has been both a thread girl and an instructor around that time?

A. Yes-later than that she was an instructor. I don't know at that time; I believe she was a thread girl then.

Q. Pearl Atchison?

A. I am not sure about Pearl; I never knew Pearl very well. I think she was a thread girl.

Q. Do you know what floor she was on?

A. No, I don't.

Q. Cecile Ealy?

A. I think Cecile was an instructor at that time.

Q. Do you know what floor she was on?

A. No, I don't.

Q. Do you know whether she continued to be an instructor up until July 15, 1939?

A. I think she went up and worked with Mrs. Nichols sometime during that time, as a thread girl; I know her position has changed.

Q. Do you now whether she had any other positions

before July 15, 1939?

A. Well, yes, she has had; I don't know just when, but I know that she has something to do with the production out.

Q. Do you know what her work for Mrs. Nichols was?

A. I think she was just an assistant, just worked up there along with the pricing of the work.

• Q. Who is Ada Wolfe?

A. I don't know Ada Wolfe. I knew her when I saw her, and that is all the better I knew Ada Wolfe.

Q. Was she an instructor?

A. I don't know; I don't know Ada Wolfe.

Q. Stella Willis?

A. Stella Willis, to my knowledge, was an instructor at that time.

Q. She was on the sixth floor?

A. I believe that is where that section was.

Q. Was Stella: Willis an instructor continuously from 1935 down to July 45, 1939?

A. To the best of my knowledge, she was. I never

worked with her, but that was always my opinion.

Q. Mary Bogart?

A. If that is Mrs. Bogart, I know she works in the dividing room, if that is her name. I knew a Mrs. Bogart down there, but I didn't know what her first name was, but if that is the same person, she worked in the dividing room.

Q. Is she the instructor in the dividing room?

A. I don't know at that time, I had very little occasion [fol. 5113] to go to the dividing room.

Q. Was she the instructor of the dividing room any time prior to July 15, 1939? A. Not that I am positive of.

Q. Who was in your own dividing room?

A. I don't know.

By Trial Examiner Batten:

Q. You say "dividing room". What do they do down there?

A. When the work is cut, it is in stacks, and I know they bundle up the work with tickets attached.

Q. Oh, yes, I remember, where they separate it into bundles, with the instructions and sort of schedule it for the different sections.

A. They tie it up with the tickets, so the basket boy can take it to the sections in order to get the work done

on it.

By Miss Weyand:

Q. It was located on the fifth floor?

A. I think it was.

Q. And Lulu Waddell!

A. I think she was in the pressing department.

Q. Elma Jennings?

A. She worked as a presser when I was down there.

Q. You don't know whether she ever went on the floor or not? A. No, I don't,

Q. Anna Wherry, at that time what position did she hold?

[fol. 5114] A. She was in charge of production. I don't know exactly what her job was.

Q. Was she ever called factory manager, to your knowledge? A. No.

Q. Bo you know what she did?

A. Well, to the best of my knowledge—I never had a whole lot to do with Mrs. Wherry, she never did direct me what to do. I never talked with her a whole lot about the work, but I think when the machines needed to be changed, in order to get in special machines into the sections and take them out, I think she had something to do with that, as to the production work, but I don't know to what extent. I don't know what she did do other than that.

Q. Lena Tyhurst-you mentioned her before?

A. Yes, I have.

Q. And Mollie Smith?

A. Mollie Smith was in the binding department. I don't know what she really did down there. I know I called Mollie Smith for binding whenever I needed binding, that is as far as I know what she was.

Q. Do you know whether Mollie Smith was ever an

instructor prior to July 15, 1939?

A. I don't know; I know whenever I needed any binding I called her on the phone.

Q. And you don't remember signing this at any meet-[fol. 5115] ing with those people? A. No. I don't.

Q. Do you know how it happens there seems to be considerable following in order from the top floors down to the bottom floor? It went from the eighth to the seventh to the sixth to the fifth floors. A. No, I don't.

Q. You don't know how that happened at all?

A. No, that isn't within my knowledge.

Q. You don't know who the girl, who brought it to you, took it to after you signed it?

A. No, I don't remember.

Q. When you were a thread girl in the sewing section, did you have a machine? A. No.

Q. Did you have a table at which you kept your supplies?

A. I had a table to put my pocketbook in; we have

bins for our files.

Q. Where are those bins located with reference to the section?

[fol. 5116] A. I think, as near as I can remember, they have always been right at the end of the rows of machines.

Miss Weyand: Q. Where is that table on which you put your pocketbook located?

A. It is located at the end of the room.

By Miss Weyand:

Q. Where is the instructor's desk?

A. There is no such a thing. That table there is where we put our personal pocketbook in our room.

Q. Is that table used for anything else? ..

A. Just to put work on it to match it up.

[fol. 5117] Q. Do the girls own their own bobbins?

A. Well, I can't say that they all do; I believe they do, but I am not positive. I don't know for sure.

Q. You don't know of any rules about their buying bobbins when they come to work? A. No, I don't.

Q. You don't know how they acquire their bobbins?

A. No, not positive.

Q. Do you have any idea?

A. I think they put up a deposit on bobbins, but I don't know that they do.

Q. Do you know how much that deposit is?

[fol. 5118] A. No, I don't.

Q. Do you know anything about whether they have to sign something for them?

A. No, I don't know anything about signing, I never seen them sign anything.

Q. What office do they go to, to get those bobbins?

A. They go to the machinist's cage on the eighth floor.

Q. Each of the girls goes up there for her bobbin when she starts to work?

A. I don't know that each of them do. I have seen girls up there getting bobbins, but I don't know whether they all go up and get them when they start working.

Q. Weil, when a girl is hired, someone said Mrs. Hyde brings them down to the section. Do they start in without bobbins or do they have to get bobbins?

A. When I was hired there I was in the pressing department, but as far as being hired as an operator, I don't know about that.

Q. How long did you work as a thread girl in the sew-

ing section? A. From 1936, I believe.

Q. And you worked continuously from 1936 to July, 1939, as a thread girl! A. I believe I did.

[fol. 5119] Q. Now, the thread you gave the xirls isn't on a bobbin, is it?

A. No, it is on spools.

[fol. 5120] Q. You never give a bobbin to a girl who didn't have a bobbin? A. Not to my knowledge.

Q. She always had bobbins?

A. So far as I know they always have had.

Q. You don't know where she got them?

A. No, I am not positive. I suppose they get them at the cage.

Q. You don't know, when a new girl comes in to work, how she gets her bobbins?

- A. I suppose she goes to the cage to get them, but I don't know that.
 - Q. How does she know to go to the cage to get them?
 - A. She has an instructor tell her.
- Q. What else does the instructor tell a new girl when she comes there to work?
- A. As far as I know, she tells her what time to go to lunch, and gives her the work, and shows her how it has to be done; she shows her samples of what her work is expected to look like when she gets through.
- [fol. 5123] Q. Does more than one section work on a style at the same time?
 - A. As a general thing I don't believe they do.
- Q. One section is assigned one style, and they fill all [fol. 5124] the orders until you cease having orders on that style?
- A. As near as I have noticed, I think one section does make one style; I don't know as they always do that. If the work gets low, they might transfer the style to another section in order to help out.
- Q. When a new style comes in, are there a good many changes made in the section?
 - A. I didn't notice it that way.
 - Q. Do they rearrange the machines at times?
- A. Not very often; I haven't seen them change very many machines during the styles.
- Q. Are there sometimes differences in the sequence of operations on the different styles?
- A. Some dresses have to be made differently than others.
- Q. When that happens, when you get a style that is considerably different from the one you were working on preceding that, what is done in that section!
- A. Well, I still match up the work and put out the thread.
 - Q. I am asking you what is done in the section.
 - A. I don't know as anything particular is done.
- Q. Well, the instructor has to show each girl how to do a new style, doesn't she?
- A. If it is something different from what she has worked on, she would.

Q. Let's assume the case where there is a difference; [fol.5125] you can remember a case where there was a difference, can't you?

I can remember when a girl's work has been changed,

yes.

Q. What happens when you remember changes, when there was a change of sequence of operations, when the machines have to be changed?

A. You don't have to change the machine because one machine is put on one operation and another machine on

another operation.

Q. Was there any necessity of changing the machines to meet the sequence of operations for a new style?

A. Not as I know of. We carry the work from one machine to another.

Q. So it doesn't follow from one girl to another, but it sometimes jumps around in the section?

A. That is the way we did the work there at that time, maybe a sleeve girl on one end of the machine and a skirt girl on the other end of the row.

Q. Who carries it?

A. I do, or the instructor, depending on which one gets to it first.

Q. And how many do you carry at a time?

A. How many what?

Q. Pieces of goods. Did you carry a dozen at a time, or individually?

A. Our work is put up in bundles, it isn't made up that way.

[fol. 5126] Q. You don't carry it until she finishes a bundle?

A. If the work is very low we might carry part of a bundle at a time.

Q. Is there always a given girl going to do the next step in a sequence of operations, or sometimes do three or four girls do the next step?

A. There has to be more than one girl to do the next

operation.

Q. When you pick up a bundle to take it over to a girl, how would you pick out the girl to whom you are going to give it?

A. If the girl wasn't on that particular style, I would - ask the instructor whom to give it to. Otherwise, I would put it on the table.

Q. You never give it to a girl and decide yourself which

girl to give it to?

A. No, that isn't part of my duties, I don't do that at all.

Q. Does it make a difference to the girls which styles they get, or what goods is handed to them to work on?

A. I think the majority of people have their prefer-

ence as to what kind of work they do.

Q. The majority of people think they can make better money on one job than another?

A. Yes, some girls can handle a certain type of collar

easier than another girl can.

Q. If a girl doesn't make her given minimum guarantee for some weeks, isn't she sometimes reduced from her [fol. 5127] minimum guarantee?

A. I don't know anything about that.

Q. And if a girl makes her minimum guarantee for a number of weeks continuously, is she sometimes given a higher minimum guarantee?

A. I don't know how their minimums are determined.

Q. Do you know it to be a fact that the number of weeks a girl makes her minimum guarantee determines whether she moves up or down in the minimum guarantee?

A. I don't know how they guarantee it. I would think a girl would be paid according to her ability and her work.

- Q. Do you know if a girl makes her guarantee for, say, 12 weeks—I don't know how long they have to work to make their minimum guarantee—she moves up into the next guarantee? A. No, I don't know that.
- Q. You wouldn't know how many weeks she would have to make a minimum guarantee to move up?

A. No, I wouldn't.

Q. You don't know what is the system of the girls in the sections in which you have been a thread girl?

A. No, I certainly do not.

Q. Did an instructor ever tell you when she had gone over the cards and discovered a given girl had fallen down on her minimum guarantee, and her instructor had noticed that she had been doing that for six or seven weeks, has she ever asked you what you thought could

[fol. 5128] be done with the girl so she would make her minimum guarantee?

A. I don't know as an instructor ever asked my advice

on that.

Q. Would you, being her thread girl, remember that she asked your advice on a case?

A. I don't believe she ever asked my advice on any

occasion.

Q. You don't remember one way or the other?

A. I don't know as I have ever been asked that in a section?

Q. Did the instructor ever discuss with you which girl

should be given a certain piece of work?

A. No. The instructor plans her work as to what girl she is going to have do it, in order to keep the girls going.

Q. She never asked your opinion as to which girl could

do the work better? A. No.

Q. When an instructor is absent from the section a few hours, who is in charge?

A. There is no one in charge.

Q. Suppose some of this work had to be moved during that time?

A. If an instructor expects to be gone for a few hours, she sees that the girls are started on work that they can continue with while she is gone.

Q. And you never had an occasion arise when that was [fol. 5129] not all taken care of when your instructor

· left?

A. I don't remember of any specific time that that has

happened:

Q. You don't remember an occasion when some girl finished a bundle, and the instructor hadn't told you what girl to give that bundle to

A. If a girl has already started on a certain type of work, the chances are some more work like that would

come up.

Q. Who would give it to her?

A. I would give it to her. It would be the same type

of work, no change of work:

- Q. Did the instructor leave written instructions to you as to which work to give to which girl when she was absent for hours at a time? A. No.
 - Q. She just told you what to give them?

A. There wouldn't be any necessity of telling me what to do if she was going to be gone for a short while, for the girls in the section are all on a certain type of work, and we don't change a girl on her work.

Q. During the time the instructor was absent, you

handed the work to the girl?

A. Yes, or would ask Lena Tyhurst or the instructor in the next section.

- Q. But you would hand out the work to be done? [fol. 5130] A. No more than I would if the instructor was there.
- Q. While the instructor is there, you do hand out work to be done?

A. If I pick up a bundle of work ready for the next operation I am apt to give the next girl that work.

Q. Did you ever take care of a section for a whole day at a time? A. Not by myself.

Q. . What happens if an instructor is gone a day?

A. Any time I have been in a section when an instructor was gone for a day, they would bring someone in the section to take her place.

Q. Do they have a group of alternate instructors that

they keep on hand?

- ▲. There is a group of girls up on the ninth floor, capable of being instructors, or that have been instructors, or there is also Lena Tyhurst that can take care of the section.
- Q. Do you know the names of any of those girls brought in prior to July 15, 1939, as alternate instructors?

A. I believe Mrs. White, up on the ninth floor.

Q. Were there any people on the ninth floor who didn't work regularly as instructors, who were brought down at times to act as instructors?

A. I don't know as there was anyone in particular.

Q. Do you remember the name of any one person who [fol. 5131] was brought to your section as an instructor, who was regularly acting as an instructor?

A. Before that time I don't remember being with an

instructor unless it was one during vacation time.

Q. What is the longest time you remember of an instructor being absent from your section, aside from vacation time, prior to July 15, 1939?

- A. I don't believe I ever worked in a section where the instructor was absent other than vacation time before that.
- Q. How many hours at a time do you recall her being absent during a day?

Mr. Reed: What was that question?

Trial Examiner Batten: Read the question, please.

(Thereupon, the last question was read by the reporter.)

A. I don't know. The instructors don't leave the sections for any length of time, as a rule, during the day. By Miss Weyand:

Q. Don't they go up weekly on Tuesday or Wednesday, to go over the time cards with Mr. Baty?

A. That doesn't take hours.

Q. How long does it take?

A. Perhaps they might be gone half an hour or 45 minutes.

Q. You don't remember them being gone over 30 or 45 minutes during the period when they went over the time cards with Mr. Baty?

A. I wouldn't say they are gone longer than that. [fol. 5132] I'don't recall them being gone any long length of time.

Q. On those occasions you are always left in charge? A. I am not in charge; I see the instructor in the next section, or Lena Tyhurst, if something comes up.

Q. To they come there immediately upon your in-

structor leaving? A. No.

Q. Doesn't the instructor in the next section have to go to the office at the same time your instructor goes up?

A. I don't know that they always do that; they might once in a while. I never notice them going up at the same time.

Q. You don't know that they do?

A. No. I thought they went up separately.

Q. It was your understanding each one went up individually? A. That is my understanding on it.

Q. Do you know what day of the week they formally go up?

A. I don't know as they have any set day; it is usually the first part of the week when they get the cards ready.

Q. Did you ever help an instructor get the cards ready?
A. No.

Q. Do you know whether other thread girls helped

instructors get the cards ready?

A. As far as I know, the instructor merely goes up there and looks at the cards; I don't know anything about helping get anything ready up there.

[fol. 5133] Q. If a girl has a question, while the instructor is absent, about doing her work, do you always call on the neighboring instructor to come in and answer it?

A. Not always; I sometimes look up Lena.

Q. You always call on Lena?

A. If there is a part of a dress she doesn't understand, I might give her a sample, or take that part of the dress to Lena and find out about it.

Q. You never explained to the girl how she should

do it?

A. I never attempted to explain to a girl anything about the work.

Q. And you have never done it?

A. I never have done it.

Q. Did your experience afford you an opportunity, and the knowledge gained from your work, and your ability, to explain it to the girl?

A. I never had that job, I never had a job of that sort.

Q. Would you know how to explain it to her, however?

A. I wouldn't really attempt to advise as to how anything should be done in the way of sewing.

Q. Did you ever look up the instructions, while the instructor was absent, to see what the instructions said?

A. I don't remember of having done that.

Q. Did you ever read the instructions for a garment?

A. Yes.

[fol. 5134] Q. Do you usually read them when a new style comes down?

A. I read it to see what order the work is to be done in.

Q. Could you describe one of those instruction sheets for me! A. I believe I could.

Q. What are they like?

A. The sheet is about—at the top of the sheet it gives the tyle number; the next thing is the instructions to the binding department as to whether to make buckles or buttons; then the next step could be a notice to the notions department as to sending belt loops and waist tapes and shoulder tapes; and then the next instruction could be as to the sleeves, whether there is one pleat on the sleeve or half a dozen, one portion would be just shirred on the sleeves.

Maybe the next operation is to sew a facing on the bottom of the sleeve; the next operation would be to press the sleeve facing, or maybe just shirr it; and then another, each one of our tickets is on the bundle and has a code number on it, and the operations are all in code numbers, and perhaps the skirts have a separate ticket on them, there will be a number designating the skirts and it shows the operations to be done on them.

And that follows through in order, and the same way, with the rest of the dress.

Q. Do you know the code numbers or understand them? [fol. 5135] A. I think by working this long, I have a fair understanding what they mean.

Q. Do they change each time you have a new style change?

A. No, not to my knowledge.

Q. The system code remains the same?

A. Yes. For instance, 32 ticket would be the bundle of collars; that is the reason I know whether put them away; 21 ticket would be the sleeves.

Q. Now, when a new style comes down you have to get acquainted with the sequence of operations from the instructions.

A. That is my usual procedure.

Q. And then you don't have anything new until you hit a new style again; is that correct?

A. That's right.

Q. And for sometimes as long as six weeks at a time you have been on a given style, haven't you?

Mr. Reed: I submit the witness said she couldn't state any definite time.

Trial Examiner Batten: Well, did you ever remember' an occasion of as long as six weeks? A. No. That question came up a while ago. I don't know of any one style in particular that takes that length of time, but it may be, according to the way they are sold, we make them according to the way they are cut.

By Miss Weyand:

Q. Was there ever a time since you have been a thread [fol. 5136] girl, where there was a blackboard, or some kind of a blackboard where there was a number of thousands of dollars' worth of dresses that you had to get up to? A. I never heard of it.

Q. Was there ever a quota ever assigned to the sec-

tions?

A. I don't know that there ever was.

Q. Did you ever keep track of the thousands of dresses or the thousands of dollars' worth of dresses you threed out in a day? A. I never heard of it.

Q. You never did?

A. I suppose in the office it would be taken care of.

Q But you were never informed what your section had done from time to time?

A. I think we got a report from time to time, as we got our work out.

Q. How regularly would you be notified as to whether

you were getting your work out or not?

That notice would go to the instructor, and as to how often I wouldn't know.

Q. She never informed you whether your section was

getting the work out?

A. It may be she would or she might [now].

Trial Examiner Batten: You mean as to the amount.?

Miss Weyand: Yes, or whether they were getting their [fol. 5137] work out.

By Miss Weyand:

Q. That is what you understood me to be referring to?

A. That is what I thought. I didn't have anything to do with getting the work out; as far as the quota is concerned, that is up to someone else, I don't know who.

Q. When they made up these instructions, are they mimeographed or just typed, with a lot of carbon copies,

or how is it? A. I don't know.

Q. You have seen them?

A. I have seen them, but I don't know how they prepare them.

Q. There is more than one copy prepared, isn't there?

A. They bring one copy to the section.

Q. Does the binding department get one?

A. I don't know. We get an instruction sheet for each one of our styles, but who else they send it to or what type of instructions, I couldn't say.

Q. When you get thread or notions, in any other department, do they have any instructions there that tell

them what thread ther are to supply you?

A. When I the thread up to the section, it always has a requisition with it. When I need more thread, I go down and ask for that particular type of thread that I need for the work.

Q. They don't have a record down there of the style or which dress it is to be used for?

[fol. 5138] A. I suppose they keep a record.

Q. Do they have a copy of the instruction sheet so they know the style, and which says section such-and-such is working on such-and-such a style, and working with such-and-such a thread?

A. I imagine that is the only way they keep/their thread straight, but I don't have any personal knowledge about it.

Q. Who takes those requisition sheets? Do you carry it

yourself to where this thread is kept, or how?

A. The thread is sent to me with that requisition sheet, and when I put that thread away, I put the requisition sheet away for future notice. If I want to refer to that thread requisition, I have that to show that thread was issued to me for a particular style.

Q. When a new style comes in, is the thread automatic-

ally sent to you for the new style?

A. Yes, and all the other things.

Q. It all automatically comes to you?

A. Yes, that is part of the procedures.

Q. And then you don't have to get new thread until that runs out?

A. If I use that thread up, I go after more.

Q. They automatically send you all you need?

A. That's right.

Q. And they automatically send all the other notions [fol. 5139] you need in your department? A. Yes.

Q. How often do our run out of thread?

A. It depends. Sometimes there is machine trouble, and we use up more thread. That is a very hard question to answer as to how often.

Q. . Is it a daily occurrence, or a weekly occurrence?

A: I don't know. Sometimes I go down every day for a week, and maybe not for two weeks.

Q You always go in person, and never send a messenger?

A. Sometimes I send a note and sometimes I cali over the phone.

Q. Suppose a girl uses the wrong thread, does that ever occur? A. Well, once in a while it does.

Q. What do you do about it?

A. I go down to the notion department and see if it leftthere O.K.; if not too badly off shade, it is sent up to the office to see whether it is O.K. for that particular thread on that particular work; if something can be done by taking care of it by stitching the rest of the dress in the same shade of thread, all, right; if not, it is ripped out.

Q. The girl rips it out?

A. I do some of that myself. If it is the girl's own fault, I guess she would rip it out, but I don't know whether that [fol. 5140] happens very often.

Q. Is she paid for it, if it is considered her fault?

A. I don't know how that is taken care of. The instructor takes care of anything that comes up like that.

Q. Does the instructor consider it the girl's fault if she has the wrong thread?

A. I think it would be my fault, because I watch it, to see. As I go down the row, I glance to see whether or not the girl is using the thread she should.

Q. If she is not using the right thread, what do you do?

A. I ask her if it is a mistake, if she hasn't put on different thread than I tolk her to.

Q. And what then?

At I don't know as there has ever been a disagreement. One of us will look it up; I will get the order out to see for sure whether it is the wrong thread.

Q. Do you handle something else besides threads!

A. Belt loops, waist tapes, shoulder tapes, Nellie Don. labels.

Trial Examiner Batten: I think we will recess for 15 minutes.

(Recess was accordingly taken.)

[fol. 5142] Q. Prior to July 15, 1939, did the company have a switchboard which was connected with telephones located at each section?

A. Yes, all the sections I have worked in has had a telephone.

Q. And that telephone is on a company switchboard, is that correct! A. Yes.

Q. Where is that phone located?

A. It is at the—well, in some sections it is on the wall and in some sections it sets on a table.

Q. The table it sets on is the instructor's table, is that correct? A. I think as a rule it is.

Q. Is there more than one table at a section when you refer to "the table"? Is it one given table? [fol. 5143] A. It is the table, the instructor's table, that

I have reference to.

Q. When that phone rings, who answers it?

A. The instructor or the floor girl in the section.

Q. You use the expression "on the floor of the Domnelly Garment Company," what is your understanding—

A. (Interrupting) What was that question?

(Thereupon last question was read by reporter.)

A. I don't know what you mean, I have used it.

Q. You say you went "on the floor"?

A. I mean when I was assigned as thread girl.

Q. When a girl says someone "went on the floor" does she mean merely she was a thread girl or also a kind of instructor, does it include one or the other or is it limited?

A. Well, I don't know, it would depend upon who the person was, I would think.

By Trial Examiner Batten:

Q. Is there a common word used by everybody which means the same thing?

A. I think that is just an expression, if you are working on the floor, whether there is no one working on the floor in the section, only the instructor and the thread girl

directly in that section. When I said I was put "on the floor" I meant I went in the section as a thread girl.

Q. If a girl becomes an instructor would an operator say she went "on the floor"?

[fol. 5144] A. I suppose she could say it in that way.

That is the practice at Donnelly is it?

A. I don't know that I ever paid particular attention to that.

Q. Do you know whether the ferm "floor lady" means either an instructor or floor girl?

A. I'have never heard anyone at Donnelly's referred to as a floor lady".

Q. You don't use that term?

A. I never have, I have never heard it used down there.

Q. And if I told you the pay roll—or showed you the payroll with that term on it, you wouldn't know what it meant? 'A. No, I wouldn't.

Q. When you use the term "floor girl" is that used at

Donnelly? A. Yes.

Q. Do you mean just a thread girl or could it also be

used to mean an instructor!

A. I think that term is usually meant as the person who takes care of the thread, the thread girl, but sometimes referred to as a "floor girl" but it is one and the same thing.

Q. Your understanding is that it does not include in-

structor? A. Absolutely not.

Q. In other words, floor girl means the same thing as thread girl! A. That is the same term.

[fol. 5145] Q. But on the floor could mean either becoming an instructor or a thread girl, is that correct?

A. I would think it would be.

Q. Coming now to the March 18th meeting, was the committee composed of Rose Todd, Sally Ormsby and Hobart Atherton the only committee chosen at that meeting? A. So far as I remember they were.

Q. Do you have any recollection one way or the other?

A. So far as I can remember, it seems to me like that as the only committee that was appointed. I couldn't remember any others.

Q. Was that committee directed to do anything other

than see, a lawyer?.

A. To my knowledge they were appointed for the purpose of seeking information as to what we could do under the law.

Q. Was that committee appointed before or after Mrs. Reed spoke?

A. I think it was appointed afterwards.

Q. Did Mrs. Reed tell you in her speech that the company laywers were looking into what could be done to protect the girls? A. I don't remember her saying that.

Q. Do you have any impression as to whether she did or not? A. I don't remember.

Q. When the committee reported to you at the next [fol. 5146] meeting, did they tell you they had taken any steps other than to see a lawyer?

A. To the best of my knowledge, the way I remember it, I believe they merely wanted to see a lawyer to see what we could do.

Q. Did they report to you that any committee of employees had taken any other steps to protect the girls?

A. Will you repeat that question?

(Thereupon last question was read by the reporter.)

By Miss Weyard:

Q. Do you remember of any other committee of employees taking any other steps during March to protect the girls.

A. I remember some girls with the petition going to Mrs. Reed to let her have known our opinion, if you could call that a protection, I believe we wanted her to realize in that way that we intended to remain working under the same conditions and the same methods.

[fol. 5147] Q. All right, do you have a receipt for the fifty cents you paid?

A. I don't have it now, I don't believe. a If I ever had one, I don't know.

Q. Do you keep receipts that you usually got for payments to the union?

A. No. I think I have my first union card receipted on it as to our payments; otherwise, it is on my check stubs.

Q. Were some of the assessments for the attorney put

on your check stubs?

A. The assessment wasn't put on our check stubs, I donated mine, it wasn't taken out of my check.

Q. Later, others were raising money?

A. I never had it deducted from my check, my pay check.

[fol. 5148] Q. Did Mrs. Reed at the meeting on March 18th express to you her appreciation for the petition you took out to her?

A. I don't know that she referred to the petition particularly, I know she expressed her appreciation of our loyalty.

Q. Do you recall one way or the other as to whether

she mentioned the petition? A. I don't recall.

Q. Do you remember her making any remark directly or indirectly with reference to that petition?

A. No, I don't.

Q. She didn't mention the girls had come out to her home and given it to her a few days before?

A. I don't remember her mentioning it.

Q. I mean a few weeks before. You still don't recall that? A. No, I don't.

Q. Do you recall Mrs. Reed making any mention of the name "Dubinsky" at the meeting on March 18th?

A. I don't remember.

Q. Did you later learn that any committee of employees had taken any other action other than those you mentioned during March or April? A. What do you mean? [fol: 5149] Q. Well, we know the committee went to see the lawyers and the loyalty petition was circulated and busses were provided. Do you know of any other action during either of those months? I didn't make my question too limited before.

A. I don't recall any p. ticular committee at this time

that did anything.

Q. Do you remember any group of employees who did anything to protect the employees?

A. Right now, I don't remember.

Mr. Ingraham: I think counsel should direct the witness' attention to whatever she is referring to, and ask the witness if she recalls whatever it is.

Trial Examiner Batten: Well, I think she has the right to ask the witness whether she recalls anything else, Mr. Ingraham, I don't see anything unfair about that.

Mr. Ingraham: Counsel is referring to something, I suppose.

Trial Examiner Batten: I am sure I don't know, I am not asking the questions but I presume any counsel has the right to determine what the witness knows or recalls without even intimating what it is and then, of course, if the witness doesn't recall matters, I presume if counsel desires to they may refer to specific matters for the purpose of refreshing a witness's recollection.

[fol. 5150] Q. On some questions this morning you were asked whether any representative of the management did certain things, and you said "no". Who did you understand was meant by the term "representative of the [fol. 5151] management"?

A. I thought Mr. Ingraham was referring to Mr. Baty or perhaps Mrs. Hyde, they were the only ones I would come in contact with that to my knowledge that represented—they were the ones I looked up to that represented the management that I ever came in contact with.

Q. Those are the only persons you thought he had in mind and those are me ones, the only ones you were think-

ing of! A. Yes.

Q. And no ope else! A. No.

Q. Did you know a Fern Sigler?

A. I didn't know her.

Q. Did you go down to the sixth floor to see Fern Sigler!

A. I went down to the door, I didn't go in.

Q. Could you see her from the door?

A. No, I saw there was a few girls over there, I thought I had been away long enough, I went back to the section.

[fol. 5154] Q. Mr. Lane road you excerpts from certain minutes this morning or this afternoon. As I recall, one of the excerpts which he read was "if there are any people in here working, I would advise you to work very quietly." What did you think that senfence meant? A. I supposed—

Mr. Reed: Wait a moment. She isn't obliged to construe what a sentence meant or means in a document that is produced here or what she understood it to mean when she read it.

Trial Examiner Batten: Well, of course, unless she has some understanding of it, she couldn't reply to it.

Mr. Reed: She could say she did not hear that statement. Now where the witness is asked what is meant by the statement involves a construction of what was meant by a statement in a document of purported minutes of a meeting—

Trial Examiner Batten: She explained it sometime this morning as I recall or this afternoon, she explained what she meant.

Mr. Ingraham: As I understood it she said that those things never were said.

Mr. Langsdale: That is what she said.

Miss Weyand: She also showed she had a certain understanding of that sentence when she made the answer.

Trial Examiner Batten: You mean that was never said? [fol. 5155] Mr. Langsdale: She said it was never said at the meeting on May 25th.

Miss Weyand: That is right.

Mr. Langsdale: He asked if there was anyone working around there.

Miss Weyand: That is right, I want to ask a question about it.

Trial Examiner Batten: That is a matter of the Greenbaw minutes?

Mr. Lane: That is right.

Mr. Langsdale: She said that it was never made at the meeting of May 25th.

Mr. Ingraham: The witness testified this morning that she never heard that statement made at this meeting.

Trial Examiner Batten: What is your objection, Mr. Lane?

Mr. Lane: I haven't made one yet but I am going to. I think it is a purely hypothetical examination as to what a statement would mean. If the witness had heard it made but the witness' testimony was that she did not hear that statement made.

Trial Examiner Batten: Mr. Lane, would you put that in the same category as the question "what was meant by 'no labor organization" in that petition?" She was asked to explain what that meant to her.

Mr. Lane: The words are there in that petition.

Mr. Reed: She had signed it.

[fol. 5156] Trial Examiner Batten: Supposing they are there. The witness has been asked the meaning of a certain word. Now what is the difference? If she can interpret it as to what it meant to her, why can't she interpret what Miss Weyand asked her or are we going to stop the witnesses from expressing an opinion on conclusions and suppositions and so forth?

Mr. Lane: Words mean something, depending upon the circumstances under which the witness has heard those words spoken or has understood them, but to ask a witness who says she never heard a certain word what they would have meant or what they did mean is just really speculative and hypothetical.

Trial Examiner Batten: Well, she has heard them now in the question, hasn't she? Can't she tell Miss Weyand what they meant to her.

Mr. Reed: Meant to her? When she says she never heard them!

Trial Examiner Batten: She heard them in the question, didn't she, Senator! I will overrule the objection. Mr. Reporter, will you read the witness the question!

Mr. Reed: We object.

(Thereupon the question was read by the reporter.)

A. Well, we were on the floor that was vacant. If we was having a meeting down there, it would be on a yacant floor. I don't see if anyone was working, I don't know—

[fol. 5157] Trial Examiner Batten: Well, what you mean to say is they don't mean anything to you, is that right?

A. It would be a funny thing to say on a vacant floor-

By Miss Weyand:

Q. Do you have any independent recollection of whether that was said or you just say you don't believe it was said because it was a funny thing to say?

A. I don't remember it being said.

Q. You are certain you don't recall that being said?

A. I don't remember it.

Q. You certainly were present at the meeting, the whole

meeting? A. I missed very few meetings.

Q. You read the minutes of the May 25th meeting which were the genuine minutes according to your counsel and you said you remembered being at that meeting?

A. Yes.

Q. You are certain you never heard such a remark made at that meeting?

A. I don't remember hearing that remark made.

Q. Do you say you didn't hear that?

A. I said I didn't remember.

Q. Are you just not remembering because you think it would have been a funny remark to have made?

A. I don't remember having heard it.

Q. Suppose I read you the sentence before that remark, [fol. 5158] inflected differently, would you tell me it would now mean something different than you thought the remark made: "That is raising their ante quite a bit in two weeks", referring to the C. I. O. Rose Todd has just read a clipping, about the C. I. O. getting members in the plant, "but I still can't feel they can sign up enough people here to call a strike. Any people in here working, I would advise them to work very quietly." Do you suppose she might have been talking about C. I. O. people working in the plant and not on the floor?

Mr. Reed: I object to that—the assumption that the words were spoken. The witness has said she did not hear those words, and the question is incompetent and immaterial.

Trial Examiner Batten: Well, Senator, even if the witness were to answer something about them, it wouldn't mean nor would it even infer that this was done at the meeting.

Mr. Reed: That is the form of the question as I understand it.

Trial Examiner Batten: Well, it wouldn't to me, I wouldn't even draw an inference if the witness were to explain the entire thing. I wouldn't draw an inference that it necessarily meant it was said at this meeting for it is all in a more or less general form.

Mr. Reed: Or said at any other meeting so that the witness is being examined now about something that nobody up to this time has said took place in this hearing and is asked to construe the language which she never heard.

[fol. 5159] Trial Examiner Batten: She has been asked to construe it as Miss Weyand gives it in her question. If the witness were to answer it, it would have no application to these minutes, the Greenhaw minutes, or to the fact that the witness was present at a meeting where it was said.

Mr. Reed: Then it is clearly incompetent and immaterial.

Trial Examiner Batten: No, it isn't, Senator. That is the reason why I said a moment ago that Miss Weyand had a perfect right to ask the witness what it meant. Now, the witness can explain what it means if she wants to and understands it.

Mr. Lane: Mr. Examiner, I think the question is completely and utterly speculative and hypothetical, but I have no objection to Miss Weyand asking this witness whether Rose Todd ever said anything which implied that Rose Todd was intimating that there were C. I. O. workers in there and that they were working—that she

advised them to work quietly. I would be very glad to . have the witness answer that question.

Trial Examiner Batten: We will proceed, is there a question pending, Mr. Reporter?

Reporter: Yes, sir.

(Thereupon the last question was read by the reporter.)

Trial Examiner Batten: Will you restate the question, Miss Weyand?

Miss Weyard: I will just read the quotes, I want [fol. 5160] her to now interpret it: "That is raising their ante quite a bit in two weeks, but I still can't feel they can sign up enough people here to call a strike. If there are any people in here working I would advise you to work very quietly."

Mr. Stottle: May we have, may it be understood our objection still remains?

Trial Examiner Batten: Yes.

A. I don't remember Rose Todd saying that particularly.

Trial Examiner Batten. The question is: What does

Miss Weyard: Was she referring to people working at something—machines—on that floor or do you think she was referring to C. I. O. members trying to organize people in the plant?

Trial Examiner Batten: You mean assuming she said this, is that it?

Miss Weyand: If I read those two sentences together, would she understand them to refer to the C. I. O. people organizing in the plant rather than to people working or machines on that floor.

Mr. Lane: I certainly object to that as hypothetical. Assuming Rose Todd said this, what would be your interpretation, what she said, assuming she said it, that is not a proper question.

Mr. Reed: I object to it as incompetent and immaterial.

[fol. 5161] Trial Examiner Batten: Well, I don't know. I thought I understood it, but I don't now. I mean it seems to me you are mixing it up, you said a moment ago that Rose Todd said—well, in the question that wasn't in there.

Miss Weyand: If Rose Todd had said these two sentences together instead of just the one sentence Mr. Lane read her which she thought was impossible because she thought it was silly, would she, taking the two sentences together, still say that second sentence meant what Mr. Lane read it to mean.

Mr. Lane: She can't say what Rose Todd might have meant because she wouldn't know Rose Todd's inflection. She would not know Rose Todd put a period and a break after that first portion and proceeded to a new subject or whether Rose Todd was speaking of that whole thing in connection with one subject matter.

Trial Examiner Batten: You enight ask the question "Do you still beat your wife?" I presume it would depend somewhat on how you would say it, I don't believe it is a proper question, Miss Weyand. In other words, if the witness answers it, well, what about it? Supposing she said it meant what she said a moment ago or supposing she said "well, no, now that you have put your inflection upon it and so forth and changed it, now that doesn't mean that to me." Supposing she did, I don't see—

Miss Weyand: Mr. Lane read the sentence out of the context, I wanted to read her the two sentences and I will [fol. 5162] now withdraw the latter question and ask if she recalls Rose Todd ever making the two sentences together.

Mr. Reed: The witness has already answered that, it has all been gone over.

Trial Examiner Batten: Do you ever recall their making this statement?

A. I don't remember she ever made that particular statement.

Trial Examiner Batten: Let's proceed.

By Miss Wevand:

Q. Are you sure she didn't say that at the May 25th meeting?

A. I still say I don't remember hearing her say that.

Q. What was discussed at the May 25th meeting?

A. I don't remember exactly what was discussed at the meeting.

Q. Do you have any recollection of that meeting at all, except by looking at the minutes and saying you think you attended all the meetings so you must have been there?

A. I attended most all the meetings, I think I was there, when looking over the minutes they were in line with the way the meetings were usually conducted but as far as what anyone did at any one meeting outside of the raising of our funds and organizing our union, I don't remember anything particular that was taken care of.

Q. Did you think the Elsie Greenhaw minutes were not the right minutes because you didn't recall that sentence

I read to you being in there?

[fol. 5163] A. It wasn't that sentence, it was the idea of the Loyalty League being discussed at the union meeting; we never held two meetings like that together at that time of day.

Q. You don't actually remember what occurred at the

May 25th meeting at all?

A. Lean state I do know we did not discuss the Loyalty League.

Q. Do you know anything that you did discuss at that meeting?

A. I couldn't name anything right now that we did discuss.

Q: Do you know what that meeting was called for?

A. It was called for a union meeting to take care of union business.

Q. You don't remember any business that was brought up there? A. Off hand, I can't say that I do.

Q. Do you know what date the contract of the union was entered into, the first contract?

A. No, it was shortly after we organized, I don't know what date it was.

-Q. If I told you it was May 27th—would that refresh your recollection so you would know that was the day!

A. I wouldn't say it was that date in particular, I don't remember the exact date of the contract.

[fol. 5164]: Q. Did you ever hear Rose Todd warn C.I.O. members to work quietly in the plant at any meeting:

A. I don't know as I did.

Q. Did you ever hear her make any remark of that general character?

A. I think her remarks were more to the promotion of our union.

Q. Did she ever discuss the matter of I. L. G. W. U. organizers visiting Donnelly employees?

A. I am not sure if was taken up at a meeting.

Q. Decyou recall one way or another whether you heard her make any such remarks at a meeting?

A. I don't remember.

Q. Did you attend a meeting of May 11th?

A. If there was a meeting held May 11th, I imagine I attended 1t.

Q. Do you recall that is one of the meetings which Mr. Lane had you read the minutes—could we agree on that?

Mr. Lane: I think that is correct, yes.

By Miss Weyand:

• Q. In those minutes occurs the remark with reference to Tyler: "He will have to be paid." That appears in the Circuit Court of Appeals Record at page 4409, the minutes of May 11, 1937. Do you recall that discussion of the May 11th meeting?

A. That one small expression? How was that used? [fol. 5165] That could have been used in a number of dif-

ferent discussions in that form.

Q. Quote from Page 4409 of the record, "you realize now that Mr. Tyler is representing the Donnelly Garment Workers' Union and he will have to be paid. I expect a good many of you are wondering what he is going to charge." Do you remember that coming up at the May 11th meeting?

A. I remember that was discussed at one of our meet-

ings, about paying Mr. Tyler.

Q. How would you explain such a remark occurring in the minutes of the May 11th meeting if Mr. Tyler had already been paid some fee?

Mr. Ingraham: I don't understand that question, will you repeat the question please?

(Thereupon last question was read by the reporter.)

Mr. Ingraham: Is there any evidence Mr. Tyler had already been paid a fee by the Donnelly Garment Workers' Union?

Miss Weyand: This is proper cross-examination. I don't think you should suggest to the witness the answer.

Trial Examiner Batten: I don't think it is improper at all if the witness doesn't understand the question—the question to the witness was "do you know why this would be brought up in this meeting? It is the last place, isn't it?

Mr. Ingraham: Yes, if he has almady heen paid.

Trial Examiner Batten: Will you read the question &

(Thereupon last question was read by the reporter.)

[fol. 5166] Trial Examiner Batten: I think the question is poorly stated because it goes on the assumption that if a certain thing is true, how would you explain this? Isn't that right?

Miss Weyand: Yes, she has stated that there was \$500 raised for Mr. Tyler. If the employees had given him \$500 how would they be coming to this meeting and saying "we will have to pay him some way."

Trial Examiner Batten: Your question wasn't that to

Miss Weyand: I withdraw it and make my question what I have now stated.

Mr. Ingraham: Will you read the present question, Mr. Reporter?

Trial Examiner Batten: You are going to restate it aren't you!

By Miss Weyand:

Q. If the employees at the Donnelly Garment Company did, as you have testified, raise \$500 at the end of March to pay Mr. Tyler, how do you explain that in the minutes of May 11th the two sentences appear: "You realize now that Mr. Tyler is representing the Donnelly Garment Workers' Union and he will have to be paid. I expect a good many of you are wondering what he is going to charge."?

A. Well, the union had agreed to engage Mr. Tyler to represent us on the legal side of the affair and naturally, I would suppose we would have to pay him for his serv-[fol. 5167] ices. We wouldn't expect him to represent us and give us legal advice without having to pay him for it.

Q. Did you think he had already performed all the services that you expected him to perform for the first \$500

which you paid him?

A. I didn't know, I hadn't thought about that being limited to any certain amount of performance. My idea was that he was to be engaged until we decided we didn't need bim or until the time came that we didn't need his services any longer. Until that time I would naturally expect to be called upon to help pay for it.

Q. Was it ever explained to you at any meeting of the Donnelly Garment Workers' Union how much legal services

the first \$500 you gave Mr. Tyler covered?

Mr. Lane: Are you talking about \$500 paid by the Donnelly Garment Workers' Union?

Trial Examiner Batten: The first \$500 I presume was raised in the last meeting of March.

Mr. Lane: Did she ask if it was ever explained in a union meeting?

Trial Examiner Batten: I assume it was explained in a union meeting how much service that \$500 was to cover.

Mr. Reed: I submit all the evidence there is is a retainer fee.

Trial Examiner Batten: Well, Senator, no matter what it was the question is very simple to this witness. That is [fol. 5168] how much services was he to perform for the \$500, if she knows.

Trial Examiner Batten: Do you know, Miss Witness, what he was to perform for the \$500?

A. oWell I hadn't ever given it a thought as to that, as far as how many hours work or anything like that, what it was to cover; I considered it was a regular retainer fee, I thought it was customary to pay an attorney a retainer fee when he took care of a case you had an interest in. I thought if it was something that was a long drawn out

affair, as other matters came up, that would have to be met at the time they came up.

Miss Weyand: You considered that a long, drawn-out affair, did you?

Mr. Reed: She didn't say that.

Trial Examiner Batten: Now just a moment, Senator, please! When the questions are asked if you have an objection, make an objection and state your reason.

Mr. Reed: Well-

Trial Examiner Batten: Now, just a moment, that wasn't an objection that you just made.

Mr. Reed: I think there is an objection.

Trial Examiner Batten: I can't interpret your meaning, will you state your objection, Senator?

Miss Weyand: I am going to ask the witness to be excused from the room—

[fol. 5169] Trial Examiner Batten: I don't want her excused.

Mr. Reed: Read me the question,

(Thereupon the last question was read by the reporter.)

Trial Examiner Batten: I can't see how there could be any objection to that.

Mr. Lane: I have an objection to it on the ground that it is entirely indefinite and it is not at all clear to me. Miss Weyand says—

Trial Examiner Batten: Now, just a moment, please! The reason it is indefinite is because—that is the reason Miss Weyand is asking the witness what she meant by an indefinite statement, I don't want any further discussion of it.

Mr. Lane: I am objecting on the grounds the question is not clear.

Trial Examiner Batten: I will overrule the objection. The witness may tell us what she meant by that statement.

A. Well, I meant I expected this to be a long, drawnout affair if the I. L. G. W. U. thought they was going to walk in on us and organize without any fight, I certainly expected us to fight it as long as it was necessary for us to fight it.

Do you recall Mr. Tyler at the meeting of April 27th, 1937, making the following remark: I am going to page 4398 of the Circuit Court of Appeals record beginning with the bottom third of the page where Mr. Tyler has referred to the Wagner Act, he goes on "it says employees shall have the right to organize their own [fol. 5170] union. It encourages you to take such actions as I am now recommending. If the Wagner Act, certainly since it has been declared constitutional, is to extend its protection to you, it will by reason of your becoming unionized and fully recognize your rights to form your own union. I do not think this action can or will be considered as any act of unfriendliness to your employer. I believe they recognize your right to take this step and that it ien't an unfriendly act to them. In fact, it is much better for them and for yourselves for you to have your own union with your own representatives, rather than to have a group here trying to represent outsiders from New York, and another group Here representing some other outside union, et cetera."

Do you remember that remark?

A. I remember him saying something about the Wagner Act at that meeting.

Q. Do you remember him telling you that it would be much better for the company if you workers formed your own union?

Trial Examiner Batten: Do you recall that, Miss Witness?

[fol. 5171] 'A. I don't remember those particular words being said.

By Miss. Wayand:

Q. Do you recall that idea being expressed to you by Mr. Tyler!

I remember that he was looking into the case on our behalf and he advised us he thought his entire presentation of the law, that it would be to our benefit and the way we was taking our stand as to-if we wanted to join a union of our own organization it was perfectly within the law and we had the Wagner Act to further insure our safety.

Q. Do you recall his telling you that it would be better for the company as well as for yourselves for you to have your own union rather than to have outsiders represent

vou?

I really don't remember him mentioning that part A. of it.

You don't recall his stating any such idea to you? Q. "

I don't remember hearing at that time any thing about as to how the company would fare if we joined a

Did you at any other meeting ever hear Mr. Tyler express to you that action he recommended for you would be better for the company as well as for yourselves?

A. I can't remember him seeming to protect the company in any of the action he proposed for us to take. In my belief, he was looking at it from our viewpoint.

Q. He never told you what he thought the company would think, was the best thing for you to do or what he thought was the best for the company? [fol. 5172] A. I.don't remember him bringing the com-

pany into it so much. Q. I am going to read an excerpt from page 4432 of the Circuit Court of Appeals Record which is from the

minutes of July 21st, 1937.

By Miss Weyand:

"After most careful consideration it is our opinion it would be to your benefit and, incidentally to the company's, to appear in court and as a union file an intervening petition asking that your rights as a union be considered in any decree the court makes. I want you to consider this and I will now turn the meeting back to Miss Todd."

Do you recall hearing Mr. Tyler express such an idea to you at any meeting?

A. I don't remember that but if he did express it in that way, I believe I would interpret his meaning. In my belief, it would be that he meant by intervening would simply strengthen the case to get an injunction; that would be my thought, rather than whether or not it complied with the company's wish, that it would be—that it would strengthen the suit.

Q. You knew the company was wanting to get an in-

junction, didn't you?

A. I believe I did have that understanding from the newspaper articles.

[fol. 5173] Trial Examiner Batten: Well, supposing the employees also wanted to get one, would there be any objection to their having a common interest to join in it?

Miss Weyand: I am asking her what she recalls.

Trial Examiner Batten: I asked if there would be anything wrong if they happened to have a common interest to join together, would there?

Miss Weyand: I don't think that requires an answer from me, does it?

Trial Examiner Batten: Well, the only answer you could give is the one I would give, that it certainly doesn't. In other words, that is the difficulty, Miss Weyand, with some of these questions. The reason I say what I do about some of them is that, being very familiar with the Board's procedure and Board cases, I think I know perhaps what inferences are sometimes drawn from questions in Labor Board proceedings and where they are not entirely clear I want to make them-elear.

By Miss Weyand:

Q. I believe you testified at the first meeting of the union you recall wearing your uniform, though at later dates or meetings, you didn't? A. I believe I did.

Q. I believe the reason was you stated that you were [fol. 5174] working a lot of overtime at that time.

A. I don't believe I mentioned any overtime in any of my testimony.

Q. Were you working a lot of overtime?

I couldn't say whether we were or not, we worked overtime sometimes but at other times, we don't. I don't remember.

You have no recollection of March or April, 1937?

No, I can't remember that.

Did you ever go back to work after a meeting? Q.

No. . A.

Never at any time did you return to work after a meeting?

It was after working hours, I wouldn't have any-

thing to go back to work for.

Q. Do you recall whether during March and April when girls were working overtime they would work overtime during each day of the week or just work overtimecertain days of the week and not work overtime other days?

Well, I can't remember, that would depend upon A. what kind of work they were doing and how much there

was of it:

Q. Was there any practice at that time with reference to working nine hours a day when you had a lot of work

sto do or did vou just-

(Interrupting) If a particular operator's work was holding up the section and causing a delay in the work, it might be she would work overtime.

Q. When did the thread girls work over-[fol. 5175]

time?

I worked overtime if the section worked overtime.

And if the payroll should indicate that you were working overtime during these weeks, would that mean that all the girls in your section were working overtime or not?

No, not necessarily, if the girls didn't want to work overtime they never were required to. A girl always had that privilege when she completed her regular day's work if she didn't want to work overtime she had the privilege of not working any later.

Would you work overtime if just one or two girls

in your section were working overtime?

A. I don't know-I don't remember at that time one or two girls working in a section that I worked in.

Would you ever work overtime when none of the girls in vour section were working overtime?

A. No, there wouldn't be any object in me working overtime then.

Q. What is the fewest number of girls working that you recall?

A. I don't remember, specifically, when only a few of the girls was working. It seems to me like what time I worked overtime the entire section worked.

Q. Would you be able to tell from looking at the payroll record from the amount you were paid during those [fol. 5176] weeks and tell us how much overtime was being worked, I will show you what the payroll looks like.

A. I have never seen it, I don't know.

Q. Directing the witness' attention to Board's Exhibit No. 28-D being the semi-monthly payroll of time workers for the period of April 16, 1937, to April 30, 1937, which appears at page 4748 of the Circuit Court of Appeals record, I am also going to ask the witness to look at the preceding payroll periods that contain her pay for those semi-monthly periods, being pages 4764, 4772, 4781, 4789 and 4794 and 4801.

Trial Examiner Batten: Do you think she can do that in about six minutes?

Miss Weyand: I think she can glance at the pages and see the amount.

By Miss Weyand:

Q. I will ask her first if she can explain the word "Rate 54.17" which follows her name on page 4748?

A. I suppose that is what my regular pay-check was.

Q. That would be your rate for two weeks?

A. Semi-monthly.

Q. Well-

A. (Interrupting) It wouldn't be for two weeks, it would be from the let to the 16th or from the 16th to the 1st.

Q. You notice the check you actually got for that period was \$70.42, is that correct? A. That's right. [fol. 5177] Q. Tt says twenty-six-hours at 62½ cents, is that the overtime? A. I would judge that it is.

Q. Would you have any doubt about that being over-time that you worked those weeks?

A. I don't know what else it could be,

[fol. 5178] Q. Is that about the amount you recall get-

ting at that time? A. It could be.

Q. And the amount of the check about what you would get if you worked twenty-six hours overtime that week, is that correct?

A. This is semi-monthly, it wouldn't be twenty-six

hours in a week.

Q. Twenty-six hours for the two-weekly period, is that correct?

A. Well, if that is the way they kept track of it I suppose so.

Trial Examiner Batten: In other words, if the twentysix means hours and the other means rate per hour, that would indicate then you were paid for twenty-six hours of time at rate of pay if that is what it means?

A. Yes, sir. That is all I can see it would mean.

[fol. 5205] By Mr. Langedale:

Q. Did they have a large meeting on April 27?

A. Yes, they had a large meeting.

Q. Was Lena Tyhurst there?

A. She might have been. I don't recall seeing her.

Q. You know that she became a member of the Donnelly Garment Workers' Union, don't you?

A. I was under that impression. I didn't know it.

Q. Was Mrs. Anna Wherry there?

A. I don't know. I don't remember seeing her.

Q. You don't know whether she was or not? A. No. [fol. 5206] Q. Was Lee Baty there?

A. I don't remember seeing him.

Q. Do you know whether he was there or not?

A. I don't know.

Q. Was Mrs. Reeves there? A. I don't know.

Q. You don't know whether she was or not?

A. No. I didn't look around particularly to see who was there.

Q You don't know whether any of those people were

there; is that correct?

A. No. I didn't pay any particular attention to

whether they were or not.

Q. So when you made this answer to Mr. Ingraham's question, on page 5043:

"Q. Did anyone whom you considered a boss attend that meeting?

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"A. No, they did not."

you didn't know whether they did or not, did you?

A. I don't remember seeing them there, and I don't know.

Q. You don't know whether they were there or not?

A. No.

Q. So when you said, "No, they did not," in answer to Mr. Ingraham's question—

A. I believe he said, "Do you know whether they were

[fol. 5207] there or not?"

Q. Let me read the question to you again. I don't want you to be under any misapprehension, Mrs. Mudd, about this,—

Mr. Reed. Now, I submit that this lecturing of the witness by counsel ought to be stepped. Let him ask the questions and—

Mr. Langsdale: I submit that the lecturing of counsel by the Senato, ought to be stopped.

Trial Examiner Batten: Proceed with your question.

By Mr. Langsdale:

Q. 1 will read the question again.

"Did anyone whom you considered a boss attend that meeting?

"A. No, they did not."

Now, do you understand that question and answer?

A. Yes, I do.

Q. Now, you say you don't know whether they did or not; is that correct?

A. Yes, that's right. I don't know that they were there.

Q. And you don't know that they were not?.

A. I didn't see them.

Q. Did you see Dewey Atchison there! A. No.

Q. Did you see your instructor there?

A. I don't remember.

Q. Who was your instructor at that time? [fol. 5208] . A. I believe, Mrs. Cook.

[fol. 5216] Q. flad you known Sylvia Hull prior to April 23? A. I never did know Sylvia Hull.

Q. How did you learn where to go to take a look at her

on that date?

A. Well, I heard she worked up on the eighth floor, in section 412.

Q. From whom did you learn that?

A. Some of the girls in the section.

Q. Do you remember who? A. No, I don't.

Trial Examiner Batten: You mean, from the girls in your section?

A. In the section I worked in, yes.

Mr. Langsdale: Did you also go take a look at Fern Sigler?

[fol. 5217] A. No. I didn't go downstairs—I didn't go in downstairs. I—

Q. You went down and looked in?

Mr. Reed: Let her answer, please.

A. (Continuing) I went to the door.

By Mr. Langsdale:

Q: What door! A. On the sixth floor.

Q. What door was it?

A. There was only one door, I believe; right there where the steps are.

Q. . That door leads into what?

A. . I don't understand what you mean.

Q. Well, was the door opening out of the rection?

A. I don't even know just where it was on the sixth floor she worked. I started in there and there were some girls in ahead of me, and I went back to my section.

Q. You said you went to "the door." Now, I am trying

to find out what door it was .

A. There is only one door.

Q. Where does that door lead to? A, Into the room.

Q. You went to the door and looked into the room where Fern Sigler was at her machine?

A. I went and looked in on the floor. That is a large,

floor. [fol. 5218] Q. Did you see Fern Sigler there?

A. I don't recall seeing her there.

Q. What did you see?

A. There were some girls ahead of me, so I just went on back upstairs.

Q. Any girls from your section ahead of you?

A. I don't remember who they were.

Q. Was there a crowd there that obstructed your view?

... There were several girls in front of me.

Q. So you couldn't even see Fern Sigler?

A. I believe I said I didn't see her.

Q. Well, after taking a look at Sylvia Hull did you form

any impression as to what kind of a kirl she was?

A. I wasn't up there thinking about what kind of a girl she was. I wanted to see her, to see if I knew her. I didn't connect her name with any individual I had known and I wanted to see who she was, so I would know her if I saw her again.

Q. Did you make this answer on page 5058:

"A. I went up there to see what—when I heard that one of the girls that was working there had signed up with the I. L. G. W. U. and was going to a convention, I was curious to see what a girl would look like, when in my ownmind that is silly."

Now, did you go up to see what that kind of a girl would look like?

[fol. 5239] A. I went up to see who she was and whether or not I knew her.

Q. You said here (indicating transcript), "I was ouri-

ous to see what a girl would look like . . . "

A. I certainly thought it was a silly thing for anyone to go ahead and do something like that when they had a good job.

Q. Did she look any different from the other girls?

A. I don't know that she did, only it was my notion that it was an awfull, silly thing to do.

Q. Therefore, you went down to see what kind of a slooking human being would do that?

A. I wanted to see-

Q. Did she look crazy to you?

A. I didn't pass judgment on her.

Q. You did see Sylvia Hull, didn't you?

A. I went up there to see where she worked.

Q. While you were looking at Sylvia Hull, did you

hear any conversation?

I didn't go up there and stare at her. I simply went up there to see whether or not I knew the girl, and then I went back downstairs.

The question was, while you were looking at Sylvia

Hull, did you hear any conversation?

I wasn't there long enough to hear anything.

Q. Did you hear any conversation? [fol. 5220] A. I wasn't there long enough.

Trial Examiner Batten: The question was, Mrs. Mudd, while you were looking at her, did you hear any conversation! A. No.

Mr. Langsdale: And you didn't hear anyone demand her Loyalty League pin? A. No.

Did you learn that had been done?

A. Afterwards I heard she had turned her Loyalty League pin in to someone. ,

Did you hear that anyone demanded that she do

that? A. No.

Q. You. didn't hear that?

A. I don't remember hearing it.

· Q: I believe you stated you, were at the meeting of May 11, 1937. You read the minutes.

I believe those are the minutes I read the other day. A.

And you were at the meeting of May 25?

I believe so.

And you were at the meeting of April 27? A.

Was there anyone taking notes of what was occur-

ring at those meetings?

I don't remember noticing anyone in particular. I do remember that Majorie Green was our secretary, but [fol. 5221] as to just what meetings, or whether she took them at every meeting, I'm not sure.

So you don't know whether she was taking the min-

utes of the organization meeting on April 27 or not?

I couldn't say for sure.

And you don't know whether she took the minutes

of May 11, 1937, or not? Well, I couldn't say for sure that she did, but I was under the impression that after we organized she did start taking minutes at all of the meetings from then on, but I don't remember exactly as to when she did.

Q. Have you any kind of a recollection of her taking

any minutes on May 11?

Mr. Reed: I submit the question has been answered fully.

Trial Examiner Batten: She may answer, whether she has any recollection of any kind of Miss Green's taking minutes on May 11.

A. I don't remember exactly whether or not she did.

Mr. Langsdale: Have you any recollection of her taking the mautes of May 25?

A. I really don't remember just any particular meetings, as to whether she took the minutes or not. I know she was our secretary, and I remember seeing her taking notes from time to time, but I don't remember at just what particular meetings. It was my impression she took them at all of them.

[fol. 5222] Mr. Langsdale: But that impression is not based on anything you remember having seen; is that correct?

A. I don't know as it is. I know she was our secretary and I would just think she would take all of them.

Trial Examiner Batten: As a matter of fact, you know that was her job.

A. I know that was her job. She was elected to do it, and I supposed she did it. It was the job she was elected to do.

Mr. Langsdale: The meeting that followed the March 18 meeting—do you know who was there?

A. I couldn't just name anyone that was there.

A. I don't remember. When I went to those meetings I went with the girls in the section. I didn't look around to see who was there other than the ones I went with.

I am asking you if you know.

A. I don't know.

Q. Was Mrs. Wherry there? A. I don't know.

Q. Now, you say you usually went with the girls in the section. What do you mean by that?

A. I mean, the girls I work with. Naturally, you go

with the ones you are friends with.

Q. On account of the elevator facilities did you go down

by sections?

A. Well, I don't remember exactly. I know we got off from work and went over and got on the elevator and went down.

Q. Do you remember any meetings there where sections went together at a time because of the lack of eleva-

vator facilities for everyone to go at once?

A. We have always got off down there at intervals, the whole factory doesn't get off at the same time, so when you get off, naturally you would be going down in that way.

Q. Section by section?

Mr. Reed: She didn't say "section by section."

[fol. 5224] Trial Examiner Batten: The question to the witness was, "Section by section!"

A. When we would get off, the ones that got off at that time would naturally go on down. The entire floor didn't · get off at one time.

Q. You said, "in that way." To what way?

In the order you are dismissed from work. When . your work is over, that is the order in which you go on . home, or to your lockers, or wherever you are going.

[fol. 5225] (Thereupon the last question by Mr. Langsdale was read by the reporter, as follows;

"Section by section?")

A. I meant after we got through with our day's work we would go on about our business; we were free to do as we pleased or go where we pleased.

[fol. 5227] Q. At any of the meetings, April 27, May 11, [fol. 5228] in July or August, or any other time, was it the practice that when your section got through working those in that section who wanted to go to the meeting would go together?

A. No, I couldn't say it was the practice to go as a sec-

tion like that.

[fol. 5229] Q. In April, 1937, who were the clerks in the

store where Mrs. Gray was?

A. Let's see. Well, there was—I didn't know all of them, by their names; one little girl there by the name of Ruth, but I don't know what her last name was.

Q. How many people were in that store!

A. Well, at times there were more than at others. I think probably—I don't remember exactly, but at noon and in the evening, when you would be going out, there would be more in there at that time, sometimes more in there; I think that probably there were three or four.

Q. Can you name any of them except Mrs. Gray?

A. Well, there was that little girl by the name of Ruth.

Q. That is all of her name that you remember?

A. I don't know her last name.

Q. Can you name anybody else, either part of their name or all of it?

A. Well, there was a girl in there by the name of Mary.

Q. Do you know who Mary was?

A. No, I can't think of her last name. I know it, but I just can't think of it; I do know her name.

Q. The only one's name you know is Mrs. Martha Gray?
A. I knew her by the name of Mrs. Gray, I didn't know her first name; there was another, Mrs. Murray.

Q. You didn't call Mrs. Gray by her first name? [fol. 5230] A. I never did.

Q. But you do call the other girls by their first names?

A. They were younger girls, and Mrs. Gray was a lot older.

Q. And this demonstration around the machine of Sylvia Hull and the demonstration around the machine of Fern Sigler which occurred on the 23rd of April, 1937, do you remember that? A. Yes, I remember that.

Q. That was just four days before the Donnelly Garment Workers' Union was formed? A. That is correct.

Q. And you learned that both Sylving Hull and Fern Sigler, their employment was severed on that day, did you not?

A. I learned that they had resigned that day.

Q. Yes, on the 23rd. And you learned that the resignation grew out of the fact that they came to the plant with their I. L. G. W. E. pins on, did you not?

A. It was my understanding that they resigned because the other girls didn't want to work around them, and they just resigned.

Q. But they came to the plant with their I. L. G. W. U.

pins on, you knew that, didn't you?

A. Well, I didn't know they wore their pins; that was in the paper about Sylvia, but I didn't hear about the pins.

Q. Didn't you hear that Fern Sigler had her pin on?

A. I don't remember hearing it.

[fol. 5231] Q. Did you learn anything about why the demonstration [—] around Fern Sigler's machine?

A. I didn't hear a whole lot about Fern at that time.

- Q. You did hear that she had resigned, as you say, on that day of the demonstration around her machine?
 - A. Yes. Q. Now, did you know why that demonstration?

A. The girls didn't want to work around her.

Q. Why?

A. They resented the fact that they had joined the I. L. G. W. U.

Q. I see. So, then, those two girls did leave the plant on the 23rd of April, 1937, because they had joined the I. L. G. W. U. You knew that, didn't you?

A. I heard that they left because the other girls re-

sented them.

Mr. Langsdale: Because they had joined the I. L. G. W. U.!

A. The rest of the girls around there felt they didn't remain very loyal to the girls, as co-workers. They were members of the Loyalty League, and we pledged our loyalty

[fol. 5232] to one another as co-workers, and these girls went ahead and joined an outside organization. To all intention it seemed like they were representing us, and we didn't care for that representation.

By Mr. Langsdale:

Q. You mean in the Loyalty League you had pledged your word to each other as co-workers?

A. Our loyalty to one another.

Q. And did that loyalty in your mind include not joining the I. L. G. W. U.?

A. At that time I think we had that in our minds, that at the time of this demonstration we also had reference to any other outside interference in our work.

Q. In your mind you felt they shouldn't have belonged

to the Loyalty League and the I. L. G. W. U.?

A. I felt that I didn't want to belong to any outside organization; if I had, I wouldn't have felt like I would be a member in good standing of the Loyalty League.

Mr. Langsdale: Did you think that that demonstration around Fern Sigler's machine and Sylvia Hull's [fol. 5233] machine and their subsequent resignations had anything to do with the formation of the Donnelly Garment Workers' Union, four days later?

A. Well, we already had that—that didn't just come up from that one demonstration. We had already had Miss Todd and Hobart Atherton to go and see what we could do; it was not an afterthought of those girls being members of an outside organization that we didn't care to have any dealings with.

Mr Langsdale: Now, will you read the question, Mr. Reporter, and please try to answer it.

Trial Examiner Batten: Read the question.

(Thereupon the last question was read by the reporter, as follows:

"Did you think that that demonstration around Fern Sigler's machine and Sylvia Hull's machine and their subsequent resignations had anything to do with the formation of the Donnelly Garment Workers' Union, four days later!")

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A. You make your questions so long and it is hard to understand.

Trial Examiner Batten: Well, you listen, and if you don't understand, you say so.

Read the question.

(Thereupon, the last question was reread by the reporter.)

Mr. Reed: Now, read the answer, please.

Trial Examiner Batten: Will you read the answer, please?

[fol. 5234] (Thereupon the last answer was read by the reporter, as follows:

"Well, we already had that—that didn't just come up from that one demonstration, we had already had Miss Todd and Hobart Atherton to go and see what we could do; it was not an afterthought of those girls being members of an outside organization that we didn't care to have any dealings with.")

Mr. Langsdale: I insist she answer the question, and if the Senator wants to read the whole record, let him read it.

Trial Examiner Batten: Just a minute. Will you read the answer?

(Thereupon the last answer was reread by the re-

Mr Reed: I submit that is an answer, she says it was not because of this particular act, but there were others.

Trial Examiner Batten: Well, did that have anything to do with it?

A. Why, it probably did have some, a little, maybe, to do with it, but we had already started getting into it.

By Mr. Langsdale:

Q. Now, then, Mrs. Mudd, you have testified that you didn't know anything about the organization of the Donnelly Garment Workers' Union until you went to the meeting on April 27, did you not?

A. I believe that my meaning was that I didn't know we were actually going to join the union that night, form [fol. 5235] a union, but we were going to see what we could do about it, but that was what came about.

Q. Haven't you testified you didn't talk to any person about the formation of a plant union until you got to the

meeting of April 271

A. I don't think I did talk about forming a union. At the time we talked about the things as they were coming up, but as far as talking about organizing a plant union, I don't remember it.

Q. Then, you hadn't already decided to form a plant

union before April 27, had you?

A. I don't know as a plant union had been talked of; we were going to see what we could do, but there wasn't anything said about actually forming a plant union.

Q. But you hadn't talked about the forming of a plant union before these demonstrations at the machines of Sylvia Hull and Fern Sigler on the 23rd of April, had you?

A. I don't believe particularly that I had.

[fol. 5239] Redirect Examination.

By Mr. Ingraham:

Q. Mrs. Mudd, will you state whether or not operators have the right to go up to the table and get a bundle themselves, if they happen to run out and you haven't given whem a bundle?

A. Why, yes, they could go up and get a bundle, if they

were out of work and needed it.

Q. Does that frequently happen?

A. Yes, I believe it does, quite often.

Q. State whether or not, to your knowledge, from July, 1935, to July, 1939, instructors had any authority to discipline operators in the section.

A. To my knowledge, they didn't have.

Q. During that period of time were the instructors the bosses of the sections in the sense that they could command operators to do certain work and punish them if they didn't?

A. No. It was Mr. Baty that did that. The instructors didn't have anything to do with disciplining the girls.